IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Civil Writ Petition No.12088 of 2015
Date of Decision: June 29, 2015

Balihar Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. K.B. Raheja, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of the counsel for the petitioner that the petitioner was awarded fishing licence by the Director and Warden of Fisheries, Punjab, Chandigarh-respondent No.2, for the years 2012-13, 2013-14, 2014-15, as also for the year 2015-16. He contends that the petitioner is not being allowed to fish to the extent to which the petitioner was awarded the contract/licence. Faced with this situation, petitioner has served a notice dated 02.08.2014 (Annexure P-7) through a counsel, upon the respondents, to which reply has been received by the petitioner from the Deputy Inspector General of B.S.F., Ferozepur-respondent No.4, through communication dated 21.10.2014 (Annexure P-8), wherein it has been mentioned that the B.S.F. authorities had vide communication i.e. HQ letter No.Ops/SHQ BSF FZR/PLC/09/2865 dated 05.12.2009 intimated the Fisheries Department, Ferozepur, that due to strategic and security implications, fishing ahead of border fencing and 3 kilometres upstream of Hussainiwala Barrage upto village Habibke is not allowed. Request was also

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made to exclude these areas for carrying out the auctions. Counsel contends that no decision has been conveyed upon the legal notice dated 02.08.2014 (Annexure P-7) by the other respondents.

Counsel for the petitioner submits that the petitioner, at this stage, would be satisfied if a direction is issued to respondent No.2, to consider and decide the legal notice dated 02.08.2014 (Annexure P-7) within some specified time.

In view of the statement made by the counsel for the petitioner, without going into the merits of the case or commenting thereon, the present writ petition is disposed of with directions to the Director, Fishery Department, SCO No.1040-41, Sector 22B, Punjab, Chandigarh-respondent No.2 to consider and decide the legal notice dated dated 02.08.2014 (Annexure P-7), within a period of two months from the date of receipt of certified copy of this order.

In case the claim of the petitioner is accepted, the consequential benefits, if any, be released to him, in accordance with law, within a further period of 45 days. In case the claim of the petitioner is not to be accepted, a well reasoned and speaking order be passed and conveyed to the petitioner forthwith.

June 29, 2015 **(AUGUSTINE GEORGE MASIH)**
Puneet **JUDGE**

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