

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5563 of 2015

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1. Kaushik Kaushal, son of Saket Bihari, C/o Sonalika Photostat Resident of Main Road, Mahendru, P.S.- Sultanganj, Patna 800006, District, Patna, Presently Secretary of Nalanda Matasya Palak, Swaym Sahayata Samooh, Village and Post-Mohanpur, P.S. and District- Nalanda at Biharsharif

.... Petitioner/s

Versus

1. The State of Bihar, through the Director, Fisheries, Govt. of Bihar, Patna.
2. The Director, Fisheries, Govt. of Bihar, Patna.
3. The District Magistrate, Nalanda
4. District Fisheries, Officer, Nalanda
5. The Executive Engineer, District Development Agency, Nalanda.
6. The Secretary, Department of Animal Husbandry and Fisheries, Govt. of Bihar, Patna.
7. The Circle Officer, Silao, Nalanda
8. Ther Officer-in-Charge, of Nalanda Police Station.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Durga Nand Jha
Mr. Dhananjai Kumar Singh
For the Respondent/s : Mr. Md. Khurshid Alam, AAG 12
Mr. Abul Kalam, A.C. to AAG-12

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

8 22-08-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks quashing of the letter dated 14.01.2015 issued by the Director, Fisheries, by which he has invited “Expression of Interest” from desirous parties till 12.02.2015 by cancelling the settlement in favour of the petitioner and his Self Help Group. The petitioner also seeks quashing of the impugned order dated 21.04.2014 issued by the Director,



Fisheries, Government of Bihar, by which the settlement made in favour of Nalanda Matsya Palak Swayam Sahayata Samooh has been cancelled by him with immediate effect and by which he has also directed the respondent No.4, District Fisheries Officer, Nalanda to calculate the due amount and to file a certificate case for realization of the dues and prayer has also been made for staying the operation of the letter dated 07.05.2014 and for issuance of further directions to the respondents.

Learned AAG-12 raises a preliminary objection regarding the maintainability of the writ petition filed on behalf of the present writ petitioner stating that he has no locus standi in the matter. It is submitted that under the Lease Agreement (Annexure-3) the party with whom the settlement had been made for ten years was one Dhananjay Kumar Yadav and not the Nalanda Matsya Palak Swayam Sahayata Samooh, of which the petitioner claims to be the Secretary.

It is thus, submitted that the petitioner in his personal capacity in which he has filed the writ petition or the Secretary of Nalanda Matsya Palak Swayam Sahayata Samooh can not file a writ petition in the matter claiming any relief under an agreement to which they were not parties.

Learned counsel also points out that an agreement was

made with the private party, i.e, Dhananjay Yadav with condition that he shall not transfer, assign, sublet or mortgage the farm or a part of it to any other person/persons or institution.

Learned counsel for the petitioner, on the other hand, refers to the various correspondences made by the respondent authorities with the petitioner as the Secretary of Self Help Sahayata Samooh and also the acceptance of amounts paid by him, for which one of the receipts has been filed as annexure.

Learned counsel for the petitioner is unable to show that how the mere deposit of money or even different correspondences made by the petitioner with the authorities and their addressing correspondence to him can give a right to the petitioner to file a writ petition, without there being any such thing mentioned in the agreement dated 02.11.2007, by which the Mohanpur Fish Seed Hatchery along with the right to run this fish seed hatchery and produce fish seed, fishes and other aquaculture products for a period of ten years had been given to one Dhananjay Kumar Yadav as a private party. There is nothing in any of the clauses of the said agreement which even makes a reference to the said Self Help Group that was subsequently registered of which Dhananjay Kumar Yadav was the Chairman and the petitioner was Secretary unless the settlement has itself been made with the Self Help

Group and Dhananjay Kumar Yadav was merely the Chairman of the Self Help Group. No such materials have been produced before this Court in support of the said stand.

In the above circumstances, this Court is of the view that the writ application is not maintainable at the instance of the petitioner or the Self Help Group. Neither the petitioner nor the Self Help Group has any locus standi.

The writ application is dismissed as not maintainable.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

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