

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2233 of 2014

With

Interlocutory Application No.5680 of 2016

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1. Narayanpur Prakhand Matasayajivi Sahyog Samiti Ltd. through Its Secretary Niranjan Kumar Singh
 2. Niranjan Kumar Singh S/O Late Butti Lal Singh, Resident Of Village- Satiyara, P.S- Bihpur, District- Bhagalpur, Secretary, Narayanpur Prakhand Matasayajivi Sahyog Samiti Ltd.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Secretary, Animal and Fish Resources Department, Govt. of Bihar, Patna.
4. That Special Secretary, Animal and Fish Resources Department, Govt. of Bihar, Patna.
5. The Commissioner, Bhagalpur Division, Bhagalpur.
6. The Collector, Bhagalpur
7. The District Fisheries Officer- Cum- Chief Executive Officer, Bhagalpur.
8. The Additional Collector, Bhagalpur.
9. The Circle Officer, Narayanpur.
10. The Circle Officer, Bihpur.
11. The Fisheries Extension Supervisor, Bhagalpur.
12. The Bihpur Prakhand Matasayajivi Sahyog Samiti Ltd. through its Secretary Namely Sri Bhagwan Prasad Singh S/O Late Uchit Lal Singh, Resident of Village- Alaulibad, P.S- Bihpur, P.O- Jhandapur, District- Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. M. Chatterjee, Adv.

For the Respondent No.1 to 11:Mr. Ashok Kr. SC-11

For the Respondent No. 12 : Mr. Pashupati Prasad Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 20-07-2016

Heard the parties.

The petitioners originally filed the present writ petition assailing the validity and correctness of the order dated 30.11.2013 (Annexure-21) passed by the District Collector, Bhagalpur whereby certain directions were issued to the Anchal Adhikari, Narayanpur, S.D.O., Naugachhia as also the District Fisheries Officer, Bhagalpur.



Though, the petitioner no.1 claims to be fishermen Co-operative Society and the petitioner no.2 claims to be its Secretary, but the learned counsel, appearing on behalf of the petitioners, has not been able to show any legal injury caused to them by the aforesaid order dated 30.11.2013 (Annexure-21), therefore, this Court is not inclined to accede to the prayer made on behalf of the petitioners for setting aside the aforesaid order.

At this stage, the learned counsel, appearing on behalf of the petitioners, submits that, now, the petitioners have filed I.A. No. 5680 of 2016 seeking amendment in the prayer made on behalf of the petitioners. The amendments sought for on behalf of the petitioners have been indicated in paragraph-14 of the aforesaid interlocutory application, wherein the petitioners have sought a direction to the respondent authority to settle the water area falling within the operational area of the petitioners society in their favour. However, from the averments made in the whole interlocutory application, again the learned counsel appearing on behalf of the petitioners has not been able to show that for redressal of their valid grievances, they have approached the authority concerned and their claims have either been rejected or have not been considered.

In above view of the matter and in view of nature of grievances/ claims raised on behalf of the petitioners in the aforesaid interlocutory application, this Court is of the opinion that instead of asking the respondents to file their fresh counter-affidavit, the interest of justice shall be sub-served if the petitioners are granted liberty to file a fresh comprehensive representation before District Fisheries Officer-cum-Chief Executive Officer, Bhagalpur raising all the pleas, which have been raised in the aforesaid interlocutory application. It is ordered, accordingly.

If such a fresh comprehensive representation is filed on behalf of the petitioners with all supporting documents as also a certified copy of the present order within a period of one month from today, then the respondent District Fisheries Officer- cum- Chief Executive Officer, Bhagalpur, either himself or any other competent authority of the respondent State shall be obliged to consider and decide the claims of the petitioners by a reasoned and speaking order, after giving an opportunity of hearing to all concerned including the petitioners as also the respondent no. 12, besides others, if any, at an early date preferably within a period of three months from the date of filing of such representations.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioners in the aforesaid interlocutory application and it is left to be decided by the competent authority strictly in accordance with law.

The writ petition as also I.A. No. 5680 of 2016 stand disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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