

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1222 of 2016

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Damodar Mukhiya Son of Late Palakdhari Mukhiya Resident of
Narayanpur, P.S. Kusheshwar Asthan, District - Darbhanga

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Fisheries and Animal Husbandry, Govt. of Bihar, Patna
3. The Principal Secretary, Department of Land Reforms, Govt. of Bihar, Patna
4. The Collector, Darbhanga
5. The District Fisheries Officer, Darbhanga
6. The Sub Divisional Officer, Biroul, P.S. Biroul, District Darbhanga
7. The Circle Officer, Kusheshwar Asthan, Police Station Kusheshwar Asthan, District - Darbhanga
8. Paltan Mukhiya Son of Sarjug Mukhiya Resident of village - Barna, Police Station Kusheshwar Asthan, District - Darbhanga

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Jagdish Prasad Singh, Advocate

For the Respondent/s : Mr. Sita Ram Yadav, GP 16

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 24-07-2017 The appellant filed a writ petition seeking direction to the respondents for settlement of Kamla river (Sairat) of mauza-Narayanpur in the district of Darbhanga.

The learned Writ Court in the order passed on 22.4.2016 dealt with the matter in the following manner and disposed of the writ petition.

“Heard the learned counsel appearing on behalf of the petitioner. None appears on behalf of the respondents, though the name of the learned State



counsel is printed in the daily cause list.

The petitioner seeks a direction to the respondents for settlement of Kamla river (sairat) of Mauza-Narayanpur in the district of Darbhanga.

Despite repeated query, the learned counsel appearing on behalf of the petitioner has not been able to show his legal right for raising such claim for settlement. He has also not pointed out any illegality committed by the State authorities, while not settling the river in question in favour of the writ petitioner.

That being the position, the present writ petition is completely misconceived and is accordingly dismissed. However, the petitioner, if so advised, may approach the competent authority for grant of any appropriate relief(s).”

Even in the memorandum of appeal the same position is reiterated by the appellant as has been indicated in the order passed by the Writ Court. Therefore, we see no reason to make any indulgence.

The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

S.Pandey/-

(Anil Kumar Upadhyay, J)

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