

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.899 of 2016
Arising out of
Civil Review No. 224 of 2015**

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Lakhendar Kumar Sahni, S/o late Bindeshwar Sahni R/o of vill.- Bachhuman, P.O.-
Gadhua, P.S.- Kudhani, Distt.- Muzaffarour

.... Appellant/s

Versus

1. The state of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The secretary Minor Irrigation Department ,Govt. of Bihar
3. The Secretary, Department of Animal Husbandry and Fisheries, Govt. of Bihar,
Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mrs. Mahasweta Chatterjee, Advocate

For the Respondent/s : Mr. Rakesh Narayan Singh, A.C. to AAG-15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 27-04-2017

In the matter of challenge made by the appellant to a circular issued by the competent officer of the Government finding no cause of action accruing to the appellant, the learned Writ Court dismissed the writ petition.

In doing so, the learned Writ Court has not committed any error warranting reconsideration. It seems that for development or renovation of Jalkars, settlement was made on short term basis and according to the appellant this was done under the Bihar Fish Jalkar Management Act, 2006, which is a complete Code.



However, it is alleged that by the impugned circular the Sairats were transferred to the Fisheries Department based on a Cabinet decision and as this was contrary to the Statute, the Writ Court committed an error in dismissing the Writ Petition.

We find that no grant has been made in favour of the appellant. The grant has been made in the name of a society and the society to whom the grant was made and who could be the aggrieved person because of the impugned order has not filed the writ petition. The appellant filed the writ petition in his individual capacity and in the cause-title of the petition, the appellant has shown himself as Lakhendar Kumar Sahni, son of Sri Bindeshwar Sahni, resident of Village- Bachhuman, P.O. Gadhua, P.S. Kudhani, District- Muzaffarpur. However, in Paragraph 3 he claims to be Secretary of Kudhani Prakhanda Matsayay Jeevi Sahyog Samiti Ltd. and according to the appellant he had filed the petition in the capacity as Secretary. Without there being any authority by the Society to the appellant to file the writ petition and as the society which most probably has received the grant is the aggrieved person did not approach the Court. The learned Writ Court has held that the appellant has no cause of action in his individual capacity to file the writ petition and dismissed the writ petition. This, in our considered view, is legal and proper and there is no error in the same warranting



consideration.

The Letters Patent Appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

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