

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1342 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 9606 of 2012**

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Rishikesh Kashyap, Son of Shree Jeebachh Prasad Sahani, Chairman of Bihar Prantiya Matasyjeevi Swablambi Sahakri Parishang Ltd., At 1st Floor Meen Bhawan, West Boring Road, Patna-800023.

.... Appellant/s

Versus

1. The State of Bihar, through its Chief Secretary.
2. The Cabinet Secretary, Bihar Government, Patna.
3. The Principal Secretary, Animal and Fish Resources Departments, Bihar, Patna.
4. The Principal Secretary, Human Resources Department, Bihar, Patna.
5. The Principal Secretary, Water Resources Department, Bihar, Patna.
6. The Principal Secretary, Forest and Environment Department, Bihar, Patna.
7. The Principal Secretary, Urban Development Department, Bihar, Patna.
8. The Principal Secretary, Rural Development Department, Bihar, Patna.
9. The Principal Secretary, Panchayati Raj Department, Bihar, Patna.
10. The Principal Secretary, Public Health Development Department, Bihar, Patna.
11. The Principal Secretary, Public Welfare Development Department, Bihar, Patna.
12. The Principal Secretary, Revenue and Land Reforms Development Department, Bihar, Patna.
13. The Director Fisheries, Bihar, Patna.
14. Union of India through The Fisheries Development Commissioner, Department of Agriculture and Co-operation, Govt. of India, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi-110001
15. The Chairman Central Board of Fisheries (CIF), Delhi.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arvind Kumar Singh, Advocate
For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 31-07-2017

Delay of 74 days in filing of the appeal is condoned.

I.A. No. 5043 of 2016 stands allowed and disposed of.

2. The learned Writ Court has dismissed the writ



petition by holding that in view of the counter affidavit filed by the respondents indicating that 30,790 Jalkars have been transferred to the Fisheries Department by the Revenue Department and there is no rebuttal to the same, the petition is held to be infructuous.

3. However, learned counsel for the appellant makes statement before us that there are various water logging areas which are still under the control of the Human Resources Department, Water Resources Department, Forest and Environment Department and other departments and they have not been transferred.

4. If that be so, this is a policy decision to be taken by the State Government. Appellant may represent to the State Government and it is for the State Government to take a decision with regard to the same.

5. With the aforesaid observation, we dispose of the Letters Patent Appeal.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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