

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13708 of 2015

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Mahesh Mahto son of Late Dharikshan Mahto resident of village & P.O. Sahawan, P.S. Isuapur, District Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Animal Husbandry and Fishery Development Department, New Secretariat, Patna.
3. The District Fishery Officer-cum-Chief Executive Officer, Saran, Chapra.
4. The Officer-in-Charge, Isuapur, Police Station, Saran, Chapra.
5. Isuapur Prakhand Matasyajivi Sahyog Samiti Ltd. Isuapur, Saran through its Mantri Shiv Nath Kumar Sahni @ Shivrath Sahani resident of Village Mahuli, P.S. Isuapur, District Saran.
6. Kanhaiya Mahto, Son of Jeetan Mahto.
7. Bhangwan Mahto, Son of Late Dharikshan Mahto.
8. Sita Ram Mahto, Son of Sona Mahto
9. Harnarayan Mahto, Son of Malik Mahto. Respondent No.6 to 9 all are resident of village & P.O. Sahawan, P.S. Isuapur, District Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr. Arvind Kumar, AC to GA-9

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 20-11-2017

Heard Mr. Sanjay Kumar Singh, learned counsel for the petitioner and Mr. Arvind Kumar, learned AC to GA-9.

The present Writ application has been filed for quashing the order dated 16.08.2014 issued by respondent no. 5, Isuapur Prakhand Matasyajivi Sahyog Samiti Limited in violation of Bihar Matasya Jalkar Management Act, 2006, as contained in Annexure-11. Further prayer has been made for quashing the order



dated 12.03.2015 issued under the signature of respondent no. 3, District Fishery Officer –cum- Chief Executive Officer, Saran at Chapra, as contained in Annexure-16, whereby Parwana has been issued in favour of respondent nos. 6 to 9 for the year 2014-15 which was earlier settled in favour of petitioner for the period 2012-13 to 2018-19. Further prayer has been made for quashing the letter dated 13.03.2015 along with proposed revised list dated 28.12.2014, as contained in Annexure-17 issued by respondent no. 5, whereby respondent no. 6 has been authorized for fishing work for the year 2014-15. Further prayer has been made for directing the respondents to issue Patta for the year 2014-15 and for the subsequent years, in favour of the petitioner till completion of the settlement period i.e. 2018-19, or, in the alternative compensation of Rs.2,50,000/- be paid to the petitioner for the loss sustained by him due to the patta created in favour of private respondents.

Learned counsel for the State submits that the petitioner has to first avail alternative remedy provided under the Act.

Accordingly, this Writ application is disposed of with liberty to the petitioner to avail alternative remedy before appropriate forum. If the petitioner files such appeal within a period of four weeks along with an application for condonation of



delay, then the same shall be considered by the appellate authority
in view of the fact that the writ application filed by the petitioner,
had been pending before this Court since 31.08.2015.

(Dinesh Kumar Singh, J)

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