

## IN THE HIGH COURT OF JUDICATURE AT PATNA

### Civil Writ Jurisdiction Case No.9672 of 2017

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Md. Ayub Ali, Son of Late Md. Yusuf Ali, resident of Village- Madhurapur, P.S. Naryanpur, Distt.- Bhagalpur.

.... .... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Railway, Govt. of India, New Delhi.
2. The Divisional Manager, Railway (Engineering) Sonepur Division, Hazipur.
3. The Divisional Railway Manager, Sonepur Division, Hazipur.
4. Sr. Assistant Divisional Engineer, P.S. Biahpur, East Central Railway, District-Bhagalpur.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. J.S. Arora, Sr. Adv.  
Mr. Manoj Kumar, Adv.

For the Respondent/s : Mr. Kumar Priya Ranjan, R.A.  
Mr. Kumar Alok, SC-7

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 20-09-2017**

Heard learned counsel for the parties.

In this case, the petitioner is seeking extension of period of fishing right which was given to the petitioner for the financial year 2014-17 within the sub-part of land spread from 92/10 Km to 73/13 Km.

From the writ application, it appears that the stretch of the land is a big ditch and the Railway, in order to augment the revenue, used to settle the portion of the land, granted fishing right to the highest bidder. The petitioner was allotted fishing right for the financial year 2014-17 but, a claim has been made that certain portion of the ditch was filled with mud and he could not extract the maximum amount of revenue and further submitted in paragraph no.9 that the Hon'ble Member of Parliament has



recommended for enquiry, on whose recommendation, the Railway authority has submitted a report vide letter no.469 dated 17/21.04.2017 but, the authority refused to extend the period. The dispute is out and out a commercial dispute between the parties as the prayer has been for extension of the period of fishing right.

Learned counsel for the Railway submits that there is no provision for claiming damage as well as there is no provision for extension of period of settlement. The Indian Railway in the public interest can fill up the ditch.

In the considered opinion of this Court, in this writ jurisdiction, this issue cannot be looked into, the petitioner, if so advised, may file suit before the competent court raising a grievance. This Court is not giving any opinion on the merit of the case. The Railway will equally be entitled to raise points whatever are available to them.

With the aforementioned observation, this writ application is dismissed.

**(Shivaji Pandey, J)**

Rishi/-

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