

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1226 of 2017

Anand Machhua Sahkari Samiti Maryadit Kanchan Nagar, Post Aragahi, Block Ramchandarpur, District Balrampur Ramanujganj (Chhattisgarh) Through Its President Namely Bhavesh Sarkar, S/o. Late Bhawranja Sarkar, Aged About 49 Years, R/o Village Kanchan Nagar, Post Aragahi, Block Ramchandarpur, District Balrampur Ramanujganj (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Agriculture (Fishery) Department, Mahanadi Bhawan, Mantralaya, Naya Raipur (Chhattisgarh)
2. Assistant Director, Department Of Fishery, Balrampur, District Balrampur Ramanujganj (Chhattisgarh).
3. Chief Executive Officer, Janpad Panchayat Ramchandrapur, District Balrampur Ramanujganj (Chhattisgarh)
4. Divisional Forest Officer, Balrampur, District Balrampur Ramanujganj (Chhattisgarh)
5. Range Officer, Forest Range, Ramanujganj, District Balrampur Ramanujganj (Chhattisgarh)

---- Respondents

Shri V.K.Pandey, counsel for the petitioner/s.

Shri D.R.Minj, Dy.G.A. for the State / respondents 1 to 5 on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/05/2017

This petition has been filed by the petitioner seeking a writ to set aside the letter dated 29/03/2017 issued by the 5th respondent as also for a mandamus to restrain 4th and 5th respondent from interrupting the activity of fishing in the pond leased out to the petitioner.

2. Learned counsel for the petitioner submits that for one reason or the other, the petitioner is not able to execute his right of fishing in the leased out pond. It is submitted that when he refused to fulfill the undesirable demands of the officials,

the authorities have started victimizing him.

3. The contents of letter dated 29/03/2017 (Annexure P/1) show that the forest officials sent a communication to the Janpad Panchayat, Ramchandrapur for cancellation of permission for fishing on the ground that the pond is situated in a restricted and reserved forest area and the activities of fishing would adversely affect the life of wild animals protected under Wild Life Protection Act, 1972 (for short 'the Act of 1972') and would violate the provisions of the Act of 1972.

4. Taking into consideration the specific content of the said communication, at this stage, no interference is warranted by the Writ Court. The matter is under enquiry. Janpad Panchayat has not passed any adverse order against the petitioner till date. If the petitioner is in a position to factually dispute the allegations, the remedy for the petitioner would be to submit his own representation before the Chief Executive Officer, Janpad Panchayat, Ramchandrapur within a period of 10 days from today. The Chief Executive Officer, before taking a final decision, in response to letter dated 29/03/2017 of the Forest Officials, shall also apply its mind to the representation, if any, made by the petitioner.

5. With the said observations, this petition is finally disposed off.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge