

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4341 of 2019

1. Kusheshwar Asthan Purvi Prakhand Matsyajivi Sahyog Samiti Ltd. through its Secretary Chadra Sahni, Son of Late Jang Bahadur Sahni, Resident of Village-Mahisauth, P.O.-Dinmo, P.S. -Kusheshwar Asthan, Distt-Darbhangha
2. Chadra Sahni, Son of Late Jang Bahadur Sahni, Resident of Village-Mahisauth, P.O.-Dinmo, P.S. -Kusheshwar Asthan, Distt-Darbhangha

... .. Petitioners

Versus

1. The State of Bihar through the Principle Secretary, Revenue Department, Bihar, Patna
2. the State of Bihar through the Principal Secretary Animal Husbandry and Fish Resource Department, Bihar, Patna
3. The District Magistrate Darbhanga
4. The Additional Collector, Darbhanga
5. The Director Fisheries, Department, Bihar Patna
6. The Circle Officer, Kusheshwar Astha Purvi, P.S.-Kusheshwar Asthan District-Darbhangha
7. The District Fisheries Officer-Cum-Chief Executive Officer, Darbhanga
8. Mahesh Prasad Yadav Son of Late Lakhan Yadav Resident of Village-Mahisauth, PO-Dinmo, PS-Kusheshwar Asthan, District-Darbhangha, Chairman Mahisauth Primary Agriculture Credit Co-operative Society (PACS) Ltd, Kusheshwar Asthn Purvi

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Mukesh Kumar Mr.Ram Nibash Pd.
For the Respondent/s	:	Ms. Prakritita Sharma, AC to SC-25

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 07-03-2019 Petitioner No.1 claims that it is a Fishermen Co-operative Society registered under the provisions of Bihar Co-operative Societies Act, 1935, whereas petitioner No.2 claims that he is elected Secretary/Treasurer of the said Co-operative Society. A notice issued by the Circle Officer, Kusheshwar Asthan (East), dated 30.05.2018, has been challenged in the



present writ application whereby the Circle Officer has asked 16 of the noticees to remove their encroachments, which they have caused over the land, which is Anabad Bihar Sarkar land bearing Khata No.219, Khesra No.467 admeasuring 26 decimals. The new Khesra number of the said land has been described as 407 and 422 in respect of the said land.

It is the case of the petitioners that the State Government intends to allot the said land for construction of a PACS godown as is evident from the notice itself, whereas the said land is a jalkar settled with the petitioners' society. Reliance has been placed on the list of jalkars issued by the District Fisheries Officer-cum-Chief Executive Officer, Darbhanga, in his letter dated 14.09.2012 (Annexure-1).

My attention has been drawn to the 12th item to make out the case, which the petitioner is attempting to make. The said item refers to the land appertaining to Khesra No. 447, 406, 565, 327, 329 and 647. Apparently, it does contain any of the land with the Khesra numbers as mentioned in the impugned notice.

Learned counsel appearing on behalf of the petitioners submits that Khesra No. 406, which is jalkar, as is evident from the list of jalkars, as contained in Annexure-1, has been wrongly



described as Khesra No. 407 in the notice and as a matter of fact the State intends to use land appertaining to Khesra No. 406 also for the purpose of construction of PACS godown. Learned counsel for the petitioners has submitted that there is a typographical error in the impugned notice to this extent.

In my opinion, the grievance of the petitioners, which has been raised, appears to be unfounded. The Circle Officer has asked the encroachers to remove their encroachments from the public land. The grounds, which are attempted to be made out in the writ application to question the notice, cannot be the basis for interfering with the notice of the Circle Officer.

I do not find any merit in this application. This application is dismissed.

The petitioners shall be at liberty to approach the Circle officer, if according to them there is any typographical error in the said notice.

(Chakradhari Sharan Singh, J)

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