

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.502 of 2018

In
Civil Writ Jurisdiction Case No.5971 of 2017

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1. Matsyajivi Sahyog Samiti Ltd., Shahkund, Bhagalpur, through its Mantri Dashrath P. Mahto, S/o Late Jamun Mahto, Resident of Village-Belthur, P.S. Shahkund, Dist.-Bhagalpur
 2. Alok Kumar S/o Shaligram Mandal, Mukhiya Dariyapur Gram Panchayat, P.S. Sajour, Dist.-Bhagalpur

... .. Petitioner/s

Versus

1. Basil Michael Quadros S/o James Mervjnv Quardros, Resident of Village-Karnagarh, P.S. Nathnagar, P.O. Champanagar, Dist.-Bhagalpur
2. The State of Bihar through the Principal Secretary, Animal Husbandry and Fishery Department
3. The Director, Fishery Department, Govt. of Bihar
4. The Divisional Commissioner, Bhagalpur
5. The District Magistrate, Bhagalpur
6. The District Fisheries Officer-cum- Chief Executive Officer, Bhagalpur
7. The Circle Officer, Shahkund Block, Bhagalpur
8. Officer-in-Charge, Sajour, P.S. Shahkund, Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Acharya
		Mr. Avanindra Kumar Jha
For the Opposite Party/s	:	Md. Khurshid Alam AAG 12

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 19-06-2019 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners, who were respondent Nos.8 and 9 in CWJC No.5971 of 2017, filed this review petition to review the order dated 04.10.2018 by which the Parwana dated 20.10.2016 issued by the District Fisheries Officer, Bhagalpur-respondent No.5 settling the pond situated on plot No.968 and 908 in favour of respondent Nos.8 and 9 is quashed.



Learned counsel for the petitioners submits that Parwana dated 20.10.2016 is for the period from 01.07.2016 to 30.06.2017 and, therefore, the period of Parwana had expired and the writ petition had become infructuous. The quashing of Parwana will prejudice the case of the respondents as the State has already filed title appeal against the judgment and decree passed in Title Suit No.217 of 1987 and the notices were issued to the respondents. Therefore, the order dated 04.10.2018 be reviewed.

I find that of course the period of Parwana had already expired but since the Parwana issued in favour of the respondents for the period from 01.07.2016 to 30.06.2017 and on the basis of that Parwana, the respondents were fishing in the pond of the petitioners on which the competent Civil Court had already declared the title of the writ petitioners. Even the period of Parwana is expired, it does not make any difference and the order dated 04.10.2018 does not require to be reviewed. It goes without saying that the appeal, if filed by the State, shall be disposed of on its own merit without being prejudiced from the order of this Court passed on 04.10.2018.

Accordingly, this civil review petition is disposed of.

(Prabhat Kumar Jha, J)

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