

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17439 of 2019

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Baidyanath Mukhiya, Male, Aged about 64 years, Son of Late Chanchal Mujhiya, Resident of village Naruar, Police Station Bhairabasthan, District Madhubani.

... .. Petitioner/s

Versus

1. State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Principal Secretary, Department of Fisheries and Animal Husbandry, Government of Bihar, Patna.
3. Director, Fisheries, Bihar, Patna.
4. Deputy Director, Fisheries, Darbhanga.
5. District Fisheries Officer-cum-Chief Executive Officer, Madhubani.
6. Administrator, Jhanjharpur Anchal Matsyajivi Sahyog Samiti Ltd., Jhanjharpur, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Binodanand Mishra, Advocate
For the State	:	Mr. Sajid Salim Khan, S.C.25

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 06-11-2019 Heard both sides.

The petitioner has filed a supplementary affidavit stating that the election of Managing Committee was held on 25th October, 2019 and petitioner has been elected as the Secretary of the Samiti.

Let the supplementary affidavit be kept on record as part of the writ petition.

The petitioner has filed this writ petition for direction to the District Fisheries Officer, Madhubani to settle the *Sairat*/ponds in favour of the petitioner in view of the provisions of Section 7 of



the Bihar Fishery Jalkars Management Act, 2006.

It is submitted that Section 7 of the Act provides the settlement of Jalkars with Block Level Fisheries Cooperative Societies at the reserve deposit fixed by the authorities and the Bihar Fishery Jalkars Management Act, 2006 is enacted for the benefit of the members of the Societies and it is a beneficial legislation. The object is not only to collect revenue by holding open bid rather the object is to extend benefit to the members of the Fishermen Societies existing at the block level at large. It is further submitted that the administrator of the Society was otherwise badly engaged in parliamentary election and, therefore, he could not submit the required documents before the District Fisheries Officer, Madhubani. Consequent thereupon the District Fisheries Officer also issued a letter as contained in Memo No.457, dated 05.08.2019 for settlement of Jalkars by open bid but it transpired that in the meantime, Animal and Husbandry Department, Government of Bihar by notification as contained in Memo No.1063, dated 09.08.2019 directed the settlement to be made in view of Section 7 of the Bihar Fishery Jalkars Management Act, 2006 in favour of Block Level Fisheries Cooperative Societies by extending the period of settlement. Now the new Managing Committee of the Society has come into existence and the Jalkar has not been settled as yet, therefore, a



direction be issued to the District Fisheries Officer, Madhubani to consider the case of the petitioner in view of the directions of the Animal and Husbandry Department, Government of Bihar by which the period for settlement of the Jalkars has been extended and pass order in accordance with law.

Learned A.C. to S.C.25 submits that in view of the provisions as contained in Section 7 of the Bihar Fishery Jalkars Management Act, 2006, the District Fisheries Officer is to consider the case of the petitioner for settlement of Jalkar and the writ petition may be disposed of with a direction to the District Fisheries Officer, Madhubani to favourably consider the case of the petitioner and pass order in accordance with law within three weeks from the date of this order.

Having considered the submissions of both sides and on perusal of the provisions as contained in Section 7 of the Bihar Fishery Jalkars Management Act, 2006, it is evident that the government has enacted beneficial legislation to extend the benefits to the members at large of the Fishermen Societies and to settle the Jalkars in favour of the Societies but on account of some unavoidable circumstances as Jhanjharpur Fisherman Cooperative Society was superseded and the administrator of Jhanjharpur Fisherman Cooperative Society due to otherwise engagement in parliamentary election could not submit the relevant papers before



the District Fisheries Officer within time. Consequent thereupon the District Fisheries Officer, Madhubani issued Letter No.457, dated 05.08.2019 for settlement of Jalkars through open bid but this Court by order dated 26.08.2019 stayed the operations of letter as contained in Memo No.457, dated 05.08.2019. Now the Cooperative Society has become functional and the Jalkars situated in Jhanjharpur block has not yet been settled, in view of this fact and in view of the submissions made by the State, I dispose of this writ petition with direction to the District Fisheries Officer, Madhubani to consider the case of the petitioner in view of the provisions of the Bihar Fishery Jalkars Management Act, 2006 and favourably dispose of the representation of the petitioner within two weeks from the date of receipt of this order.

With the aforesaid direction, the writ petition is disposed of.

(Prabhat Kumar Jha, J)

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