

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1688 of 2020

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1. Manigachhi Prakhand Matasyajeevi Sahyog Samiti Ltd. through its Secretary/Treasurer namely Bishwanath Sahani, S/o Jagadish Sahani, Resident of Village- Aamai, P.O.- Balore, P.S.- Manigachhi, Distt- Darbhanga.
 2. Bishwanath Sahani S/o Sri Jagadish Sahani Resident of Village- Aamai, P.O.- Batore, P.S.- Manigachhi, Distt- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Animal and Fisheries Department, Bihar, Patna.
2. Director Fisheries, Bihar, Patna.
3. Deputy Director Fisheries, Darbhanga, Range, Distt- Darbhanga.
4. The District Fisheries Officer-cum-Chief Executive Officer, Darbhanga.
5. Sri Hari Narayan Sahani S/o Late Badari Sahani Resident of Village and P.O.- Nehra, District- Darbhanga.
6. Sri Surya Narayan Sahani S/o Late Bindeshwar Sahani Resident of Village- Nehra, P.S.- Nehra, Distt- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mahasweta Chatterjee
For the Respondent/s : Mr.Md. Khurshid Alam (Aag12)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL JUDGMENT

Date : 30-06-2022

Heard the parties.

The prayer of the petitioners in the writ petition is as follows:-

“ (i) That an appropriate writ may be issued quashing the order vide memo no. 1024 dated 29.08.2019 passed by the District Fisheries Officer, respondent No-4 whereby and whereunder he has settled the share of the State Government of Rajokhar Jalikar with the Private respondent no-5 and 6 from 10.07.2019 to 30.06.2022.

(ii) That an appropriate writ may be issued commanding upon the district Fisheries Officer,



respondent No. 4 to Settle the share of the state government of Rajokhar Pokhar with the society of Fish Jalkar Management Act, 2006 as amended time to time.”

The first prayer of the writ petition is going to become infructuous at 12:00 in the night today. Therefore, no useful purpose will be served in deciding the first prayer of the petitioners.

So far as the second prayer of the learned counsel for the petitioners is concerned, there seems to be some substance in her prayer.

This Court will not interfere in the merits of the case for the present, but the District Fisheries Officer, Darbhanga is directed to hear the petitioners and pass a reasoned order before settling the government Jalkar with the private person. He will also apply his mind as to whether the Government part of the Jalkar can be demarcated from the private portion of the Jalkar.

The representation of the petitioners must be disposed of before granting the *Parwana* of the settlement beginning from 01.07.2022.

The present writ petition is disposed of accordingly.

(Sandeep Kumar, J)

Saif/-

Uploading Date	30.06.2022
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