

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2593 of 2020

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1. Sidheshwar Sahani, Son of Bharat Sahani, Resident of Village and P.O. and P.S.-Taraiya, Distt-Saran (Chapra).
 2. Taraiya Prakhand Matasyajeevi Sahyog Samiti Ltd. through its nominated/coopted Secretary namely Vinay Kumar S/o Sri Satyendra Kumar Sahani, resident of Village-Bagahi Harakhpur, P.S. Taraiya, District-Saran (Chhapra).
 3. Vinay Kumar, S/o Sri Satyendra Kumar Sahani, resident of Village-Bagahi Harakhpur, P.O. Taraiya, District-Saran (Chhapra).

... .. Petitioners

Versus

1. The State of Bihar through Principal Secretary, Animal and Fish Resources Department, Bihar, Patna.
2. The Collector, Saran.
3. The District Cooperative Officer, Saran, Chhapra.
4. The District Fisheries Officer-cum-Chief Executive Officer, Saran, Chhapra.
5. Anil Kumar, S/o Jamal Sahani, Resident of Village-Madhopur Bora, P.S.-Taraiya, Distt-Saran (Chhapra) the Ex-Acting Secretary of Taraiya Prakhand Matasyajeevi Sahayog Samiti Ltd.

... .. Respondents

Appearance :

For the Petitioner/s : Mrs.Mahasweta Chatterjee
For the Respondent/s : Mr.Rishi Raj Sinha, SC-19

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 07-01-2022

Heard learned counsel for the petitioners and learned
counsel for the State through video conference.

2. The following reliefs as formulated by the petitioners
have been claimed in the writ petition-

*“(i) That an appropriate writ may be issued quashing
the letter No.24 dated 09.01.2020 as contained in
Annexure-11 issued by the District Fisheries Officer, the
respondent No.4 whereby and where under he has*



rejected the application filed by respondent no.5 the Acting Secretary for settling Jalkar from 01.07.2019 to 30.06.2022.

(ii) That an appropriate writ may be issued setting aside the bid notice vide memo No.28 dated 10.01.2020 as contained in Annexure-12, issued by the District Fisheries Officer; the respondent no.4 whereby and where under he has fixed the date on 31.01.2020, 03.02.2020 and 05.02.2020 for settlement through limited bid and on 07.02.2020, 10.02.2020 and 12.02.2020 for open bid of all Fish Jalkars situated within Taraiya block.

(iii) That an appropriate writ may be issued commanding upon the District Fisheries Officer; the respondent no.4 to make settlement of Jalkars situated within the Taraiya block with the petitioner society on fixed Reserve deposit amount.

3. When the matter is taken up, learned counsel for the petitioners states that some of the issues having been already resolved, the writ petition is only confined to prayer no. (iii), namely, for direction to the respondent no.4 to make settlement of Jalkars situated within Tariaya Block with the petitioners' society on fixed reserve deposit amount.



4. Learned counsel for the petitioners states that earlier the Acting Secretary of the Managing Committee of the Taraiya Prakhanda Matasyajeevi Sahyog Samiti Limited had filed an application for settlement of Jalkars, but however, subsequently the Members of the Managing Committee have elected a permanent Secretary. Accordingly, the permanent Secretary has filed a fresh application dated 31.01.2020 for settlement of Jalkars (Annexure-16 of the supplementary affidavit), which remains pending.

5. Learned counsel for the State appears and has been heard. He refers to Paras 9 and 15 of the counter affidavit to submit that stay was granted by order dated 18.02.2020 passed in CWJC No. 15124 of 2019 and the said writ petition is still pending before this Court.

6. In reply, learned counsel for the petitioners submits that the said stay order would have no bearing on the present writ petition, as the same was passed in respect of the application of the Acting Secretary (respondent no.5), whereas the settlement is now sought on the basis of fresh application made by the permanent Secretary (petitioner no.3). It is well settled that any dispute in the Managing Committee has no bearing with respect to settlement of Jalkars in favour of the Cooperative Society. In this context,



learned counsel for the petitioners has placed reliance on the order dated 20.04.2014 passed in CWJC No.23063 of 2013.

7. Having heard the parties and having regard to the nature of the grievances of the petitioner, the writ petition is disposed of with a direction to the District Fisheries Officer-cum-Chief Executive Officer, Saran at Chapra (respondent no.4) to consider and dispose of the application, said to have been filed on 31.01.2020 (Annexure-16 of the supplementary affidavit), if still pending, on its own merit in accordance with law and after grant of an opportunity of hearing to the concerned parties, expeditiously and in any event preferably within a period of four weeks from the date of receipt/production of a copy of this judgment.

(Vikash Jain, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	11.01.2022
Transmission Date	

