

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 39428 of 2021

***Laxminarayan Primary Fishermen
Cooperative Society Ltd.***

.....

Petitioner

Mr. S. Roy, Adv.

Vs.

***Collector and District Magistrate,
Mayurbhanj and others***

.....

Opposite parties

Mr. T. Pattnaik, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

29.04.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. The petitioner has filed this writ petition challenging settlement of the sairat, i.e., Tolakchuin Bandha in favour of opposite party no.5 and further seeks to quash the order dated 29.11.2021 passed by the opposite party no.2 under Annexure-7.

3. Earlier, the petitioner had approached this Court by filing W.P.(C) No. 30952 of 2021, which was disposed of vide order dated 07.10.2021 directing the Sub-Collector, Baripada to dispose of the representation of the petitioner in accordance with law by passing a reasoned order, within a period of six weeks from the date of receipt of the copy of the order. In pursuance of the said order, the order dated 29.11.2021 has been passed by the Sub-Collector, Baripada under Annexure-7.

4. Admittedly, the petitioner is a cooperative society of fishermen taking the dam on auction, its members are maintaining their livelihood since 1987 by fishing in the said Dam. The Government have been providing assistance to the poor fishermen towards relevant equipments for fishing. The marginal farmers belonging to S.C., S.T. and general categories, whose agricultural land have been submerged in the Dam are in distress condition due to non-receipt of their compensation, and due to merge of water during rainy season in their remaining agriculture land. Since Tolakchuin Bandha is the only

source of income to maintain their livelihood, the petitioner-society filed representation before the B.D.O., Suliapada to sanction the auction in its favour. But without considering the relevant rules of the auction properly and neglecting the fishermen cooperative society, the lease was settled in favour of an individual vide letter dated 10.03.2021. As it appears, the petitioner-society had also operated the pond from 2017-18 to 2019-20 after succeeding in the auction and, as such, in March, 2021, they participated in the auction but could not come out successful as because they had offered Rs.45,500/-, whereas the winner had offered for Rs.50,000/- and consequently the bid was settled in favour of opposite party no.5. Apart from the same, the pond was previously given in auction to one Binod Bindhani for the year 2017-18 to 2019-20 for one year @ Rs,7000/- per year and, as such, there was no auction from 2019-20 to March, 2021 and the same was used by the said society and they did not make any payment to the block. Thereby, the Sub-Collector, rejected the representation filed by the petitioner, vide order dated 29.11.2021 under Annexure-7, as the bid amount offered by the successful bidder was more than what had been fetched in the last three years, i.e., Rs.50,000/-.

5. In such view of the matter, this Court is of the considered view that no illegality or irregularity has been committed by the authority in passing Annexure-7, so as to warrant interference with the same. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE