

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10826 of 2015

1. Bigan Sahni Son of Late Mahesh Sahni, Resident of Village- Kathaiya, Police Station- Majhauiliya, District- West Champaran.
2. Baliram Sahni Son of Jaysumer Sahni, Resident of Village- Lalsaraiya, Police Station- Majhauiliya, District- West Champaran.
3. Pramod Sahni Son of Late Jangbahadur Sahni, Resident of village- Gora Semra, Police Station- Majhauiliya, District- West Champaran.
4. Tilak Sah Son of Late Khowari Sah, Resident of Village- Parsha Dumariya, Police Station- Majhauiliya, District- West Champaran.
5. Ramashray Sahni Son of Late Jagarnath Sahni, Resident of Village- Madhopur, Police Station- Majhauiliya, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Animal Husbandry and Fish Resources Department, Government of Bihar, Patna.
2. The Director, Fisheries, Government of Bihar, Patna.
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
4. The Deputy Director, Fisheries, Tirhut Division, Muzaffarpur.
5. The District Magistrate, West Champaran, Bettiah.
6. The District Co-operative Officer, West Champaran, Bettiah.
7. The District Fisheries Officer, Fisheries Department, West Champaran, Bettiah.
8. The Chairman of the Majhauiliya Block Fisherman Co-operative Society Ltd. having its registered office at Madhopur Malahi Tola Mae Asthan, Police Station- Majhauiliya, District- West Champaran.
9. Mr. Adalat Chaudhary Son of Kashi Chaudhary, the Acting Secretary of the Majhauiliya Block Fisherman Co- operative Society resident of Village- Majhariya Shekh, Police Station- Majhauiliya, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.
For the Respondent/s : Mr. Kinkar Kumar, SC-9.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 26-07-2023 Heard learned counsel for the petitioners and learned
counsel for the State.

2. The present writ petition has been filed for setting-



aside the order dated 04.08.2014 passed by Divisional Commissioner, Tirhut Division, Muzaffarpur (respondent no.3) in Jalkar Settlement Appeal No.424 of 2013 whereby and whereunder the order bearing Memo No.527 dated 29.07.2013 passed by District Fisheries Officer, Bettiah has been set-aside.

3. Learned counsel for the petitioners fairly submits that vide Annexure-2 the settlement of Jalkar was made for the period 2012-13 to 2018-19 for 7 years and the said settlement was under dispute. He further submits that the order has been passed by the Divisional Commissioner, Tirhut Division, Muzaffarpur on 04.08.2014 and thereafter the petitioner has immediately challenged the said order by which the Jalkar allotted to the petitioners' society was disturbed. Learned counsel fairly submits that the period of said Jalkar has already been lapsed and in this view of the matter this writ petition become infructuous but he only seeks liberty from this Court that the Jalkar has to end up to the year 2018-19 but the said contract continue only up to 04.08.2014 whereas the petitioner's society had deposited money up to the year 2018-19, therefore, in this view of the matter the money which are already left with the government for the period in which the contract of petitioners' society was not in existence, as such, he seeks



direction in this regard.

4. Learned counsel for the State submits that there is no such pleading on behalf of the petitioners' society in the present case and as admitted by the counsel for the petitioners' society that the period of contract ended in the year 2018-19 and presently the year 2023 is going on.

5. In this view of the matter, present writ petition is become infructuous but liberty is hereby granted to the petitioners' society that they may raise their claim before the District Fisheries Officers, Fisheries Department, West Champaran, Bettiah (respondent no.7) who shall decide this matter and if petitioners' society is entitle for the refund of the payment, he shall refund the said payment within eight weeks from the date of filing of representation of the petitioners' society in favour of the Society with permissible statutory interest.

6. With this direction and observation, the present writ petition stands disposed off.

(Dr. Anshuman, J.)

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