

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1653 of 2018

1. Rahul Pramanik, Son of Late Gulam Pramanik,
2. Manwar Hussain Pramanik,
3. Kalu Pramanik,
4. Najimuddin Hussain Pramanik @ Najimuddin Pramanik,
2 to 4 are sons of Late Manjor Hussain Pramanik, and 1 to 3 represented through their power of Attorney Holder namely Najimuddin Hussain Pramanik @ Najimuddin Pramanik (Petitioner no.4), All resident of Village- Rambag, PO and PS- Bhagwangola, District- Murshidabad (West Bengal).

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Principal Secretary, Animal Husbandry and Fisheries Department, Government of Bihar, Patna.
4. The Director, Fisheries Department, Government of Bihar, Patna.
5. The Divisional Commissioner, Bhagalpur Division, Bhagalpur.
6. The Collector, Bhagalpur.
7. The Additional Collector, Revenue, Bhagalpur Collectorate, Bhagalpur.
8. The Land Acquisition Officer cum Compensation Officer, Bhagalpur Collectorate, Bhagalpur.
9. District Fisheries Officer cum Executive Magistrate, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ganpati Trivedi, Sr. Advocate Ms. Aishwarya Shree, Advocate
For the Respondent/s	:	Mr. Md. Khurshid Alam, AAG-12 Mr. Asif Kalim, A.C to AAG-12

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 24-04-2023 Heard learned counsel for the petitioners and learned
counsel for the respondents.

The petitioners have filed the instant application for
the following relief(s):-



“ That, this application is for issuance of writ or writs, order or orders, direction or directions commanding upon the respondents to determine the amount of compensation payable to the petitioners in pursuance of vesting of their revenue free fisheries and ferry rights declared "Estate" in terms of amended definition of the estate within the meaning of Section 2 (i) of the Bihar Land Reforms Act, 1950, the amendment being brought by the Bihar Lands Reforms (amendment Act, 1989) (Bihar Act 11 of 1990) and with a further direction to make payment of the said amount of compensation as assessed in terms of the provisions of the Bihar Land Reforms Act, 1950 within a fixed period of time.”

The case of the petitioners being that the fisheries rights having been taken away after vesting of the said right in terms of amendment in the Bihar Land Reforms Act, causing a loss of revenue to them, the petitioners filed an application on 10.8.2009 before the Additional Collector-cum-Compensation Officer, Bhagalpur and the Ministry of Revenue and Land Reforms for grant of compensation for the fisheries right taken over by the State Government.

Learned Senior counsel for the petitioner has taken the Court through various annexures to show that the petition was filed on 10.8.2009 (Annexure-1) on which by letter dated 2.9.2009 (Annexure-2), the Joint Secretary, Revenue and Land



Reforms Department directed the Collector, Bhagalpur to take appropriate steps in accordance with law and further by letter dated 30.11.2009 (Annexure-3), the Collector, Bhagalpur sent the entire papers along with the letter dated 2.9.2009 written by the Joint Secretary to the District Fisheries Officer, Bhagalpur.

It, thereafter, appears that no steps were taken even by the petitioners and only on 30.8.2016 (Annexure-4), a representation was filed before the Collector, Bhagalpur and thereafter, the instant writ application was filed in the year 2018.

A counter affidavit has been filed on behalf of respondent nos.3, 4 and 9.

Having heard learned counsel for the parties, this writ application is disposed of in the following terms:-

I. The petitioners will file a fresh representation before the respondent authorities ie before the Collector, Bhagalpur (respondent no.6) and the Land Acquisition Officer-cum- Compensation Officer, Bhagalpur Collectorate, Bhagalpur (respondent no.8) within a period of three months.

II. In case, such a representation is filed, the same shall be decided in accordance with law at the earliest, preferably within a period of four months from the date of its filing.



III. In case, the petitioners are held not entitled to the prayer made in the said application, a reasoned order shall be passed and communicated to the petitioners within the aforesaid period.

It is clarified here that the Court has not gone into the merits of the case of the parties. All questions to be raised by the petitioners and the respondent State authorities are left open to be decided by the authorities concerned.

This writ application stands disposed of with the above observations and directions.

(Partha Sarthy, J)

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