

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2527 of 2023

Manjay Sahani @ Mithu Sahani, S/o Late Satyanarayan Sahani, Resident of
Village-Bhaluahi, Kadamwa Tola P.S.-Ghora Sahan, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Animal Husbandry and Fisheries Department, Government of Bihar, New Secretariat Building, Bailey Road, Patna.
2. The Secretary, Animal Husbandry and Fisheries Department, Government of Bihar, New Secretariat Building, Bailey Road, Patna.
3. The Director, Fisheries, Government of Bihar, Old Secretariat Building, Patna.
4. The Deputy Director, Fisheries, Government of Bihar, Old Secretariat Building, Patna.
5. The District Magistrate, East Champaran, Motihari.
6. The District Co-operative Officer, East Champaran, Motihari.
7. The District Fisheries Officer-Cum-Chief Executive Officer, East Champaran, Motihari.
8. The Block-Co-operative Extensin Officer-Cum-Administrator Ghorasahan Matasyajivi Sahyog Samiti Limited, Ghorasahan Block, District-East Champaran.
9. The Ghorasahan Matasyajivi Sahyog Samiti Limited, Ghorasahan Block, District-East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Respondent/s : Mr.Sajid Salim Khan (SC 25)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 12-07-2023

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for
cancellation of settlement of *jalkar* falls under the Ghorasahan



Matasyajivi Sahyog Samiti Limited, Block - Ghorasahan, District – East Champaran which has alleged to be settled to the several ‘Gair Machhua’. Therefore, the petitioner seeks the writ of mandamus to make a settlement of *jalkar* in accordance with the law.

3. Learned counsel for the petitioner submits that the present dispute is fully covered under the Bihar Fish Jalkar Management Act, 2006 with the latest amendment. He further submits that the said Act become operative by virtue of Bihar Act 13 of 2006 which was subsequently amended in 2010 and again in 2018 by virtue of Bihar Act No. 20 of 2010 and Act 12 of 2018 respectively. He further submits that under this Rule there are grievances redressal forum which has been described in Section 14 of the Act. According to this an appeal against all decisions regarding short-term settlement taken by District Fisheries Officer and Deputy Director may be filed before the Divisional Commissioner. Here, in the present case, the settlement is a short-term settlement as admitted by both parties.

4. In this view of the matter, the real remedies lie to the petitioner before the Divisional Commissioner and not directly before this Court.

5. As such, the writ petition stands disposed of with



liberty to the petitioner to approach the Divisional Commissioner concerned along with a copy of this order for redressal of his grievances.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.07.2023
Transmission Date	NA

