

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8106 of 2023

1. Ramashish Sahni S/o Late Chalitar Sahni Resident of Village and P.O.- Sahuri, P.S.- Birpur, District- Begusarai.
2. Barauni Prakhand Matsyajivi Sahyog Samiti Ltd., through its Secretary Ramashish Sahni, (Male) aged about 59 years, S/o Late Chalitar Sahni, resident of Village and P.O.- Sahuri, P.S.- Birpur, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Animal Husbandry and Fish Resources Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Co-operative Department, Govt. of Bihar, Patna.
3. The Registrar Co-operative Societies, Bihar, Patna.
4. The District Magistrate, Begusarai.
5. The District Certificate Officer, Begusarai.
6. The Director Fisheries Department, Bihar, Patna.
7. The District Fisheries Officer-cum- Chief Executive Officer, Begusarai.
8. The District Co-operative Officer, Begusarai.
9. Ashok Sahni, Son of Late Sipahi Sahni Resident of Village and P.O.- Sahuri, P.S.- Birpur, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ram Nibash Prasad, Adv.
For the Respondent/s	:	Mr. Rishi Raj Sinha, (SC-19)
		Mr. Saurabh Kumar, (AC to SC-19)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 20-07-2023

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

2. The present writ application has been filed for
the following relief(s):

*(i) That an appropriate writ may be issued
commanding upon the respondent no. 7, the
District Fisheries Officer, Begusarai to settle
the total 20 fish jalkars with the petitioner no.*

2 society with effect from 01.07.2023 to 30.06.2027.

(ii) That an appropriate writ may be issued commanding upon the respondent no. 7, the District Fisheries Officer, Begusarai not to treat the petitioner no. 2 society as defaulter for the purpose of giving settlement with effect from 01.07.2023 till the respondent no. 9 deposit the total amount of Rs.4,42,275/- defalcated by him.

(iii) That an appropriate writ may be issued commanding upon the respondent no. 5, the District Certificate Officer, Begusarai to take immediate action for realizing the defalcated amount from the respondent no. 9 in view of his own admission, immediately without any delay.

3. Learned counsel for the petitioners has drawn attention on Annexure-10 by which letter has been issued from the District Fisheries Officer-cum-Chief Executive Officer, Begusarai being Letter No. 339 dated 31.03.2023 by which it was offered to fulfill the certain conditions which is laid down in the said letter.

4. Learned counsel for the petitioners further submit that due to in action on the part of the private respondent no. 9, Ex-Secretary of the Managing Committee of the Society (petitioner no. 2), the poor fisherman shall suffer. Counsel

submits that further letters were served in which time was granted and request for extension was also made from the petitioners.

5. Learned counsel for the petitioners further submit that vide Annexure-2 series, the information of bid has published vide Memo No. 728 dated 04.07.2023 in which the date of bid has to be initiated since, 26.07.2023 for fresh bid. Counsel also submits that vide Annexure-13 and 15, letters have been issued by the District Fisheries Officer-cum-Chief Executive Officer, Begusarai by which, demand of money as well as fulfillment of the conditions by the petitioners' society have been demanded.

6. Learned counsel for the petitioners further submit that the entire deficiency/ problem has been initiated only due to private respondent no. 9, who was the Ex-Secretary of the Management Committee of the Society who has now lost and petitioner no. 1 came pro-actively to save the fisherman, who are members of the society (petitioner no. 2).

7. Learned counsel for the petitioners also submit that there is a certificate case pending against respondent no. 9 for realization of the defalcated money by him of the society. Counsel submits that in any view of the matter, in a democratic

state, the rights of the poor fisherman may be saved as they are not the defaulter and they have deposited money to the society which is Annexure-2 series of the writ petition.

8. Learned counsel for the State submits that the case of the petitioners may not be entertained and fit to be dismissed due to the reason that the entire fishery season shall collapse and itself cause to the loss to the State.

9. After going through the pleadings of the parties, this Court is not inclined to interfere in any of the letters but only liberty has been granted to the petitioners that if, the petitioners shall deposit and fulfill the conditions as laid down in Annexure-10 up to 25.07.2023, then in that case, the District Fisheries Officer-cum-Chief Executive Officer, Begusarai shall allot the same to the present petitioners, otherwise in case of default, he shall free to take steps in accordance with law.

10. With this direction, the present writ application stands disposed off.

(Dr. Anshuman, J.)

sadique/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.07.2023
Transmission Date	NA