

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12257 of 2023

-
1. Ramswarup Mukhiya Son of Late Gulebi Mukhiya, Resident of Village-Maujeri Jhahuri, Tola Dhobiyahi, P.S.-Laukahi, Circle Laukahi, District Madhubani.
 2. Ram Balak Mukhiya Son of Late Gulebi Mukhiya, Resident of Village-Maujeri Jhahuri, Tola Dhobiyahi, P.S.-Laukahi, Circle Laukahi, District Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Fisheries, Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The District Fisheries Officer, Madhubani.
4. The Sub-Divisional Magistrate, Madhubani.
5. The Circle Officer, Laukahi, District Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Adv.
For the Respondent/s : Mr. Md. Khurshid Alam, AAG-12.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioners and learned counsel for the State.

2. The present writ petition has been filed by the petitioners seeking direction to the respondent-authorities to delete the Plot No.2873 under Khata No.432 measuring an area of 1 Bigha 16 Katha 9 Dhur, Plot No.1253 under Khata No.274 measuring an area of 1 Bigha 4 Katha 2 Dhur, Plot No.542 under Khata No.147 measuring an area of 1 Bigha 16 Katha 12 Dhur and Plot No.49 under Khata No.143 measuring an area of



3 Bigha 8 Katha 10 Dhur from the Sairat Register as the petitioners have got a decree from the Appellate Court in their favour.

3. Learned counsel for the petitioners submits that the cause for filing the present writ petition is that in addition to a judgment and decree in favour of the petitioners passed in Title Appeal No.61 of 2008 dated 29.09.2022 the State through Fishery Officer, Madhubani has issued Sairat in favour of private persons of their four different ponds which are the subject matter of Title Appeal No.61 of 2008 dated 29.09.2022. He further submits that petitioners have filed representations which are annexed as Annexure-2 series before the Commissioner, Tirhut Division, Darbhanga as well as before the District Magistrate, Madhubani but no action has been taken.

4. Learned counsel for the State submits that there is a provision of appeal before the Divisional Commissioner against the settlement of Sairat according to the Rule.

5. In this view of the matter, petitioners are directed to appear before the Divisional Commissioner, Darbhanga Pramandal, Darbhanga alongwith the order passed today and the Divisional Commissioner, Darbhanga Pramandal, Darbhanga is directed to pass order on the representation of petitioners filed



on 14.03.2023 upon calling all the aggrieved persons. The order shall be passed by the Divisional Commissioner, Darbhanga Pramandal, Darbhanga within 15 days upon completion of appearance of the concerned parties.

6. With this direction, the present Writ Petition stands disposed off.

(Dr. Anshuman, J.)

Ritik/-

U			
---	--	--	--

