

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1330 of 2025

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1. Shreelal Mukhiya Son of Late Anandi Mukhiya Resident of Village Chhotki Kaunia, Po Usari, PS Kusheshwar Asthan East Block Fishermen Cooperative Society Ltd. Resident of Vilage-Chhotki Kaunia, P.O.-Usari, Police Station-Kusheshwar Asthan, Distirct-Darbhang.
 2. Kusheshwar Asthan East Block Fishermen Cooperative Society Ltd. through its Secretary-Cum-Treasurer Namely Shreelal Mukhiya, Resident of Village-Chhotki Kaunia, P.O.-Usari, Police Station-Kusheshwar Asthan, Distirct-Darbhang.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Animal Husbandry and Fish Resources Department, Govt. of Bihar, Patna.
2. The Collector-Cum-District Magistrate, Darbhanga.
3. The Additional Collector, Darbhanga.
4. The District Fisheries Officer-Cum-Chief Executive Officer, Darbhanga.
5. The Circle Officer, Kusheshwar Asthan East, District-Darbhang.
6. The Officer-in-Charge, Kusheshwar Asthan Police Station, District-Darbhang.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Mahasweta Chatterjee, Advocate
For the Respondent/s : Mr. Additional Advocate General (5)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-01-2025 Heard learned counsel for the petitioners and learned
counsel for the State.

2. The present Writ Petition has been filed for the
following relief/s :-

i).....for issuance of a writ
commanding upon the respondent no.3,5
and 6, the Additional Collector, the Circle
Officer and Officer-incharge, Kusheshwar
Asthan Police Station to allow the patta



holders for fishing and fish cultivating in Kewatgama Jalkar situated over C.S. Plot NO. 1138/3570 R.S. Plot NO. 2019 pertaining to R.S. Khata No. 1060 area 8 acre 45 decimal immediately without any delay.

ii) That an appropriate writ may be issued commanding upon the Respondent No.4, the District Fisheries Officer to return the revenue of Kewatgama Jalkar deposited for the period 01.01.2024 to till date to the petitioner society or in alternative adjust the amount with future installment."

3. Learned counsel for the petitioners submits that the petitioners are valid jalkar holders, and in order to address their grievances, they filed a representation dated 19.11.2024, detailing all the relevant facts before the Additional Collector, Darbhanga, as contained in Annexure P/12 to the Writ Petition. The petitioners claim that the Additional Collector has prohibited them from fishing on the land where the jalkar is located, namely Kewatgama Jalkar, Plot No. 1138 (Old Plot No. 3570, New Plot No. 2019, 4596), admeasuring an area of 8.45 acres.

4. Learned counsel for the respondents submits that a direction may be given for disposal of the said representation.

5. After hearing the parties, this Court acknowledges that in compliance with the order dated 20.12.2022 passed in



CWJC No. 9212 of 2022, the I/c District Magistrate, Darbhanga, passed an order vide Memo No. 06, dated 07.07.2023, in which it was held that the raiyati land of Survey Plot Nos. 2009 and 2012 has been identified, whereas Plot No. 2019 has been identified as Anabad Bihar Sarkar land (as contained in Annexure P/18). Upon reviewing the representation filed by the petitioner before the Additional Collector, it appears that the petitioners have claimed that Plot No. 2019 has been settled with them and, therefore, no restriction should be placed on the said land. It also appears that Plot No. 2019 is a new plot created by merging two old plots, namely 1138 and 3570.

6. In this context, the petitioners are directed to file their representation before the District Magistrate, Darbhanga, who, after hearing the petitioners, shall ensure an order is passed in their favor. If it is found that Plot No. 2019 has been settled with the petitioners, the Superintendent of Police shall take necessary steps to protect the legitimate holder of Jalkar rights on Plot No. 2019. This order shall be passed within 30 days from the date of filing the fresh representation before the District Magistrate, Darbhanga, along with a copy of this order.

7. However, the petitioners are at liberty to raise all necessary points in support of their rights and interests



regarding Plot No. 2019, situated in Mauza Kewatgama, P.S.
Kusheshwar Asthan, District Darbhanga.

8. With the aforesaid observation and direction, the
present Writ Petition stands disposed off.

(Dr. Anshuman, J)

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