

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11028 of 2017

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Ariyari Block Fishermen Cooperative Society Ltd. son of Late Baleshwar Chauhan, resident of Village- Taranpar, P.O. Sanaiya, P.S. Ariyari, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Registrar, Cooperative Societies, Bihar, Patna.
3. The Joint Registrar, Cooperative Societies, Munger Division, Munger.
4. The District Magistrate, Sheikhpura, District- Sheikhpura.
5. The District Cooperative Officer, Sheikhpura, District- Sheikhpura.
6. The District Fisheries Officer, Sheikhpura, District- Sheikhpura.
7. Rajiv Kumar, son of Late Rajendra Chauhan, resident of Village- Furfur, P.O. Diha, P.S. Ariyari, District- Sheikhpura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.S.B.K. Mangalam, Advocate
For the Respondent/s : Mr. Rajeev Shekhar, GA-13

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-04-2025 Heard Mr. S.B.K. Mangalam, learned counsel for the

petitioner and the State.

2. The present petition has been preferred for the
following relief/s:

*(i) for issuance of an appropriate writ in
the nature of CERTIORARI for quashing
the letter dated 15.07.2017 issued under
the signature of the Respondent no.6 and
contained in his letter no.183 dated
15.07.2017 addressed to the petitioner,*



the Secretary of Ariyari Block Fishermen Cooperative Societies Ltd., informing him to function as per the provisions contained in the Bihar Fish Jalkar Management Act, 2006, 2007 and 2010 on the ground that if the petitioner and others have been elected for the Managing Committee of Ariyari Block Fishermen Cooperative Societies Ltd. on 29th June, 2017, he and the other members of the Managing Committee have full right for settlement of Jalkar to its members and the settlement made by the outgoing Secretary of the Society is a nullity and cannot be sustained in the eye of law;

(ii) for a declaration that if the different Jalkars falling under the jurisdiction of the aforesaid Society has been settled with the Society for seven years, the erstwhile Management Committee was not competent for settlement of Jalkars



to the members of the Society in May June, 2017 and to receive the money from the members for the purposes of aforesaid settlement at least after 16.06.2017 when the nominations were already filed for constitution of a new Managing Committee;

(iii) for issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent no.6 to ensure that the private Respondent no.7, the Ex-Secretary of the said Society must hand over all relevant documents of the aforesaid Society to the petitioner without any further delay and if Respondent no.7 does not do so then to take appropriate legal action against the Respondent no.7;

(iv) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the



Respondent Authorities to call for the Respondent no.7 to produce the proceeding book of the aforesaid Fishermen Cooperative Society by which settlement has been made in favour of the members for the fishing year 2017-18 and on production the Respondent no.6 may be directed to vacate all such decisions of the erstwhile Managing Committee on the ground that after the declaration of election for constitution of the Managing Committee the erstwhile Managing Committee was not competent for settlement of Jalkars to the members and that act of the erstwhile Managing Committee is illegal and cannot be sustained in the eye of law;

(v) for issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.



3. Learned counsel for the petitioner submits though he had good case, the fact remains that the period for which settlement was made already stands lapsed.

4. Learned State Counsel submits that counter affidavit has come and has taken this Court to paragraph-28 to submit that the petitioner chose not to avail the specific provision under section 14 of the Bihar Fish Jalkar Management Act, 2007, if he had any dispute with regard to the settlement of the jalkars.

5. Be that as it may, since the period has already lapsed, according to the submissions of the parties, the writ petition stands disposed of.

(Rajiv Roy, J)

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