

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19013 of 2017

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Ram Naresh Singh son of Late Daroga Singh Resident of Village - Hazipur,
P.S. - Kesariya, District - East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary to Govt. of Bihar, Department of Fishery, Bihar, Patna.
3. The Additional Collector, East Champaran, Motihari.
4. The District Fishery Officer-cum-Chief Executive Officer, East Champaran, Motihari.
5. The Circle Officer, Kalyanpur, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravi Shanker Dwivedi, Advocate
For the Respondent/s : Mr.Rishi Raj Sinha -Sc19
Mr.Birendra Singh, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-07-2025 Heard the parties.

2. The present petition has been preferred for :-

“That this is an application for issuance of a Writ in the nature of Certiorari to quash the recommendation of Respondent No.5 addressed to Respondent No.4 for settlement of land and Tank situated in Mauza-Hazipur, Thana No.199 of Khata No. 136, Plot No. 1681, measuring 2 Bighas, 1 Kathas and 19 Dhurs for Fishing vide his Letter No.394 dated 24.12.2016 and also for direction to respondents to stay their hand from taking steps for settlement of the aforesaid land and tank which is under physical and cultivating possession of respondents on basis



of settlement by Bettiah Raj to ancestor of petitioner namely Nitu Rai, son of Late Sheodhar Rai in 1933 and State of Bihar also have acknowledge the same by mutating the same land and by granting rent receipt up to date, on amongst others the following Grounds:-

I. For that Bettiah Raj had already settled the 5 Bighas, 16 Kathas, 13 Dhurs of land on basis of Patta dated 19.4.1933 having two Plots No. 1680 and 1681 of Khata No.136 which consists of agricultural as well Tank for use of irrigation fishing and the same is recorded as "Gairmazarua Mokirdar" in possession of Tenant Nitu Rai but Respondent No.5 has illegally recommended for settlement of Tank as Sairat for fishing.

II. For that as soon as petitioner came to know about recommendation for settlement of Tank as Sairat, he filed an application to Respondent Nos.3 and 5 on 15.11.2015 and requested the authorities to stay their lands in regard to settlement of the Tank of petitioner although this president Tank has never been declared Sairat and has never been settled previously to others and list of 201 of settled Tanks, Jalkar, Sairat etc. does not contain this present Tank.

III. For that from reading of impugned Letter dated 24.12.2016 it appears that



recommendation is made only because at present it is still Tank and although record of right speaks about name of Tenant (Mokirdar) as Nitu Rai, which is beyond jurisdiction of Respondent No.5 to settle the same to others for fishing purposes.

IV. For that no notice to the petitioner has been issued prior to 24.12.2016 and without asking to show-cause to petitioner, the Respondent No.5 is making correspondence for handing over the said Tank to fishery Department by Respondent No.4 who has got no jurisdiction to hand over any Raiyati Tank to the fishery Department vide his Letter dated 3.3.2017.

V. For that actions of the Respondents are arbitrary and without jurisdiction infringing fundamental right of livelihood of petitioner who is cultivator and lives on the usufruct of his settled land and Tank.”

3. After some arguments, learned counsel for the petitioner submits that he shall be approaching appropriate authority/court for redressal of his grievance.

4. Accordingly, the writ petition stands disposed off.

(Rajiv Roy, J)

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