

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.217 of 2024

In
Civil Writ Jurisdiction Case No.14191 of 2023

-
1. Jitendra Kumar Nishad Son of Sri Chandeshwar Sahani, Chairman of Katra Prakhanda Matasyajeevi Sahyog Samiti Ltd., R/o village- Katai, Police Station- Katra, District- Muzaffarpur.
 2. Sukhdeo Sahani S/o Late Kusheshwar Sahani, R/o village- Sahanouli, Police Station- Katra, District- Muzaffarpur.
 3. Bhola Sahani S/o Late Sukhalal Sahani, R/o Village- Nagwara, Police Station- Katra, District- Muzaffarpur.
 4. Katra Block Fisherman Co-operative Society Limited, through its elected Chairman.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Animal and Fish Resources Department, Government of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The Director, Directorate of Fisheries, Government of Bihar, Patna.
4. The District Fisheries Officer cum- Chief Executive Officer, Muzaffarpur.
5. Sri Subansh Sahani Son of Late Ram Sharan Sahani, R/o Bhoraha, P.S. Katra, District- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mahasweta Chatterjee, Advocate
For the Opposite Party/s : Mr. Additional Advocate General 12

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-02-2025 Heard Ms. Mahasweta Chatterjee, learned counsel
for the petitioners and AAG-12, learned counsel for the State.

2. The present review petition has been filed for reviewing the order dated 01.07.2024 passed in CWJC No. 14191 of 2023 whereby the petitioners were granted permission to withdraw the case and accordingly writ petition was



dismissed as withdrawn.

3. Learned counsel for the petitioners submits that petitioners have filed CWJC No. 14191 of 2023 making their prayer for quashing the part of the order passed by the Divisional Commissionr, Muzaffarpur in Sairat appeal case no. 230 of 2023 by which while setting aside the settlement order of settling 171 Jalkar with the Katra Prakhand Fishermen Cooperative Society Lt. the learned commission rejected the prayer of the petitioners in the appeal to make a fresh settlement with the society through the elected Chairman and also for setting aside the part of the order by which the Divisional Commissioner has directed the District Fisheries Officer to make fresh settlement of the Jalkars situated within the Block through limited/ open bid under section 7(IX) of Bihar Fish Jalkar Management Act, 2006.

4. Learned counsel for the petitioners submits that another writ application bearing CWJC No. 13885 of 2023 was filed by Subansh Sahani for setting aside the whole order dated 04.09.2023 in the capacity of Elected Secretary of Katra Block Fishermen Cooperative Society Lt. and the petitioners were impleaded as respondent no. 9 to 11.

5. Learned counsel for the petitioners submits that the



petitioner no. 9,10 & 11 have filed their counter affidavit stating therein that Subansh Sahani was elected as Secretary of the society in the election held on 04.11.2022 but due to his anti-society activities, after issuing show cause notice to him and providing opportunity to defend himself, Subansh Sahani was removed from the primary membership of the society in a meeting dated 08.04.2023 by 10 members which is majority of the managing committee of the society. The resolution passed by the managing committee dated 08.04.2023 was approved in the general body meeting dated 22.04.2023 and the said Subansh Sahani not preferred to challenge the resolution dated 08.04.2023 and 22.04.2023 removing him from the primary membership of the society and approval by the general body meetinghe filed application before the District Fisher Officer in the capacity of the Secretary for taking settlement of the Jalkar and accordingly vide order dated 14.06.2023 171 Jalkar situated in the Katra Block was settled with the society through Subansh Sahant treating him to be Secretary of the society. The petitioners preferred to challenge the settlement order under section 14 of the Bihar Jalkar Management Act in Sairat Appeal no 230/2023 before the Divisional Commissioner. Muzaffarpur making prayer therein for setting aside the settlement order



dated 14.06.2023 and also to make a fresh settlement with the society on the basis of the application filed on behalf of the society by the elected Chairman along with all the required documents. The Divisional Commissioner, Muzaffarpur order dated 04.09.2023 was pleased to set aside the settlement order dated 14.06 2023 settling 171 Jalkar through the Subansh Sahanı and also directed the Distinct Fisheries Officer to settle the Jalkar through Limited/ opened bid as contemplated under section 7(IX) of the 2006 Act.

6. From bare perusal of the aforesaid pleadings in the review petition, it appears that the Court has not considered the arguments of the petitioners. The principles relating to the review jurisdiction is well ordained and settled. A review is maintainable only in the event of discovery of new and important matters or evidence which after the exercise of due diligence, was not, within the knowledge of the petitioner or could not be produced by him to mistake or error apparent on face of office of record for any other sufficient reason. The expression “any other sufficient reason” in is not enough to include the perceptions of the Court regarding the petitioner that he had not approached the Court. Any other sufficient reasons would only include such grounds which are analogous to be



other two stipulated grounds under Order 47 Rule 1 of the CPC.
Under circumstances this Court has found that no case is made out for reviewing of the order dated 01.07.2024 passed in CWJC No. 14191 of 2023. From bare perusal of the order dated 01.07.2024, it appears that the petitioners seek withdrawal of the writ petition, as such no case is made out for reviewing of the order.

7. Accordingly, the review petition is dismissed.

(Rajesh Kumar Verma, J)

Suruchi/-

U			
---	--	--	--

