

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15431 of 2018

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Noor Sanwar Son of Late Md. Salim, resident of Village- Mallikpur Hat, P.S.-
Balrampur, District- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Home Government of Bihar, Patna
2. Director of Animal Husbandry, Department of Animal and Fisheries Resources, Government of Bihar, Patna
3. Joint Director Animal Husbandry Department, Government of Bihar, Patna.
4. Regional Director, Animal Husbandry, Purnea Range, Purnea.
5. The District Magistrate, Katihar.
6. The Superintendent of Police, Katihar.
7. The Sub- Divisional Officer, Sub- Division Katihar.
8. The Sub- Divisional Police Officer, Barsoi Sub- Division, Katihar.
9. The Officer In- Charge of Balrampur Police Station, District- Katihar.
10. The Circle Officer, Balrampur, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad
For the Respondent/s : Mr. Md.N.H.Khan -SC 1

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 04-08-2025

1. The petitioner has filed the instant application for the following relief(s):

"I. For issuance of a writ in the nature of mandamus directing the respondent(s) District Administration (respondent nos. 5 to 9) to ensure that the Petitioner is not prevented from



holding the cattle "Hat" on Thursday every week on his raiyati lands situated at Mauza-Mallikpur, Thana No. 8, Khata No. 93, Plot No.198, Khata No. 142, Plot No. 191, 194, 195, 196, 197, 199, Total Area 2.29 Acres, as per the decision of this Hon'ble High Court passed in C.W.J.C No. 8811/2015 disposed of on 03.03.2016.

II. To restrain the respondents from preventing the petitioner from holding weekly cattle "Hat" on his private land for which he is paying revenue to the State of Bihar as per provision of Bihar Agriculture Land (Non Agriculture Conversion) Act, 2010.

III. Declare the Oral direction(s) of District Administration (Respondents No. 5 to 9) preventing the Petitioner from holding weekly "Hat" on his private land as illegal, misuse of power, arbitrary, without any cogent reason and without any authority.

IV. Declare that the Oral order of District Administration, preventing the petitioner from holding weekly cattle "Hat" on his private land without any show cause or notice or opportunity of being heard or any order to this effect, is a violation of principle of natural justice as well as article



constitution of 19 (1) (g) India whereby citizen at the right to practice any profession or to carry on any occupation, trade or business.

V. During Pendency of this writ to petition allow the petitioner hold his weekly cattle fair "Hat" on Thursday every week his private land as stated herein above.

VI. Any other relief or reliefs as your lordship may deem fit and proper, may grant to the Petitioner."

2. At the very outset, Learned counsel for the petitioner contended that since this matter is squarely covered under the order passed by a Co-ordinate Bench of this Court in **CWJC No. 8811 of 2015 (Md. Fazale Ali @ Rijawi Versus The State of Bihar & ors.)**, this writ petition may also be disposed of on the same terms and conditions.

3. In **Md. Fazale Ali @ Rijawi (supra)** this Court has held as follows:

"For the reasons aforesaid, the Court finds that the order impugned dated 10.02.2015 contained in Letter No. 445 of the respondent no. 3 besides being



without jurisdiction is not justified in the facts and circumstances of the case and accordingly is set aside. As a consequence, the appellate order of the Commissioner dated 20.05.2015 passed in Appeal No. 51 of 2015 also stands quashed.

The writ petition stands disposed off in the aforementioned terms.

The District Administration shall ensure that the petitioner is not prevented from holding the 'Hat' on Tuesday every week on his 'Raiyati' land. However, the order may not be construed to mean that the petitioner shall be at liberty not to follow any other rules or regulations or the general directions which the Administration may issue in public interest and for maintaining law and order situation."

4. Having regard to the submissions made by the parties, the present writ petition stands disposed of in terms of the aforesaid judgment passed in **Md. Fazale Ali @ Rijawi (supra)**.

5. Interlocutory Application(s), if any,



shall stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.08.2025
Transmission Date	

