

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15205 of 2023

1. Vinay Kumar Chaudhary Son of Raja Ram Chaudhry Resident of Mohalla - Chhota Bariyarpur, Ward No. - 37, Near Chini Mil, P.O. - Motihari Court, P.S. - Chhatauni Motihari, Distt. - East Champaran, Motihari
2. Motihari Prakhand Matsyajivi Sahyog Samiti Ltd, through its Secretary Vinay Kumar Chaudhry (Male) aged about 49 Years Son of Raja Ram Chaudhry, Resident of Mohalla - Chhota Bariyarpur, Ward No. - 37, Near Chini Mil, P.O. - Motihari Court, P.S. - Chhatauni Motihari, Distt. - East Champaran, Motihari

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Animal Husbandry and Fish Resources Department, Bihar, Patna.
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector, East Champaran, Motihari.
4. The Director, Fisheries Department, Bihar, Patna.
5. The Deputy Director Tirhut Division, Muzaffarpur.
6. The District Fisheries Officer-cum-Chief Executive Officer, East Champaran, Motihari.
7. Ranjan Kumar Nishad Son of Raj Kumar Nishad, Resident of Mohalla-Belbanwa, P.S. - Motiahri Town, District - East Champaran, Motihari
8. Ravindra Sahani Son of Vaidyanath Sahani Resident of Village - Jhitkahiya, P.O. - Barwa, P.S. - Lakhaura, District - East Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Sri Bashant Kumar Choudhry, Sr. Advocate Sri Ram Nibash Prasad
For the Respondent/s	:	Sri Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 27-01-2025 Heard Sri Bashant Kumar Choudhry, learned Senior Counsel for the petitioners, Sri Sajid Salim Khan learned SC-25 for the State and Sri Rakesh Kumar learned counsel appearing on behalf of private respondent no. 7.

2. Learned Senior Counsel appearing on behalf of the petitioners submits that the issue as raised in the instant writ



application stands squarely covered by an order dated 25.11.2024 passed in C.W.J.C. No. 16366 of 2023 (Umaravati Devi and Anr. Vs. The State of Bihar and Ors.) and order dated 16.01.2025 passed in C.W.J.C. No. 14622 of 2023 (Punyadeo Sahani Vs. The State of Bihar and Ors.). It is, thus, submitted that the instant writ application be disposed of in terms of the aforesaid orders passed in C.W.J.C. No. 16366 of 2023 and C.W.J.C. No. 14622 of 2023.

3. Learned State counsel and learned counsel appearing on behalf of the private respondents do not object to the said submissions made by the learned Senior Counsel appearing on behalf of the petitioners rather submits that the instant case is covered by the aforesaid orders.

4. After hearing the learned counsel for the parties, the order of the Divisional Commissioner, Tirhut Division, Muzaffarpur dated 19.09.2023 in Sairat Appeal Case No. 271 of 2023 and the order of the District Fisheries Officer, East Champaran at Motihari dated 08.07.2023 by which settlement of fish Jalkar was made with the Society cannot be sustained, as such, the order dated 19.09.2023 in Sairat Appeal Case No. 271 of 2023 passed by the Divisional Commissioner, Tirhut Division, Muzaffarpur and the order dated 08.07.2023 passed by



the District Fisheries Officer, East Champaran at Motihari are hereby quashed.

5. Accordingly, the writ application is disposed of.

6. However, it is made clear that the Managing Committee of the Society would be free to approach the authorities in accordance with law for seeking fresh settlement of Jalkar in terms of the provisions as envisaged under the Bihar Fish Jalkar Management Act, 2006.

(Satyavrat Verma, J)

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