

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19039 of 2024

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Bhed Narayan Jaiswal, Son of Late Sudarshan Chaudhari, Ward No. 2,
Village - Diwanganj, Fulkahi District - Supaul, Bihar - 852111

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Animal and Fisheries Resource Department
2. Principal Secretary, Department of Animal and Fisheries Resource Department
3. District Magistrate-cum-Collector, Supaul
4. The Circle Officer, Kishanpur, Supaul
5. The District Fisheries Officer-cum-Chief Executive Officer, Supaul
6. The Matasya Jivi Sahyog Samiti Limited, Kishanpur represented through its Chairman, Nasib Mukhiya, resident of village and P.O. Kishanpur, P.S. and District Supaul

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Parth Gaurav, Advocate Mr. Rahul Kumar, Advocate Mr. Aditya Pratap, Advocate Mr. Govind R. Sahi, Advocate Mrs. Manogya Singh, Advocate Mr. Ashutosh Kumar Pandey, Advocate
For the Respondent/s	:	Ms. Sushmita Sharma, AC to SC-9

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-01-2025 Heard Mr. Parth Gaurav, learned counsel for the petitioner and Ms. Sushmita Sharma, learned AC to SC-9 for the State.

2. Learned counsel for the petitioner submits that the dispute pertains to land pertaining to Khata No. 670, Plot No. 8218 and 8219, area 2 Bigha 7 Katha and 11 Dhur at village Kishanpur, P.S. Kishanpur, District Supaul. It is submitted that the land belongs to Darbhanga Raj and the same was settled in favour of Ramjee Chaudhary (vendor of petitioner's grandfather) decades



back. Ramjee Chaudhary sold 12 Bigha, 13 Katha 11 Dhur land including the disputed land to Motilal Chaudhary (grandfather of the petitioner) vide registered sale deed dated 20.01.1950 (Annexure-P/3). The name of Motilal Chaudhary was mutated with Darbhanga Raj. It is submitted that Jamabandi No. 571 created in the name of Ramjee Chaudhary, vendor of Motilal Chaudhary continued in the name of Motilal Chaudhary.

3. It is next submitted that at the time of vesting of estate, Darbhanga Raj submitted its return in the name of Motilal Chaudhary based on which same Jamabandi number i.e. 571 was opened in the State of Bihar in the name of Motilal Chaudhary which is still continuing and the rent is being paid regularly to the State of Bihar as would manifest from Annexure-P/4 series.

4. Learned counsel for the petitioner further submits that the land in dispute is being used by the petitioner for cultivating fish and *makhana* but all of a sudden respondent no. 6 came over the land in dispute for taking possession, the petitioner, accordingly, started making inquiries when he came to know that the Circle Officer, Kishanpur, Supaul (respondent no. 4) vide his letter dated 10.05.2023 (Annexure-P/2) has transferred five ponds to the District Fisheries Officer-cum-Chief Executive Officer, Supaul (respondent no. 5). It is submitted that from perusal of letter dated 10.05.2023, it would manifest that the Circle Officer



has transferred five ponds to the respondent no. 5 but the list of ponds attached with letter dated 10.05.2023 records ten ponds including the land of the petitioner. It is next submitted that respondent no. 5, accordingly, vide his memo no. 399 dated 29.09.2023 (Annexure-P/1) settled the ponds mentioned in the letter dated 10.05.2023 issued by the respondent no. 4 in favour of Matasya Jivi Sahyog Samiti Limited, Kishanpur (respondent no. 6) for the period 2023-2024.

5. Learned counsel for the petitioner, at this stage, submits that memo no. 399 dated 29.09.2023 (Annexure-P/1) issued by the District Fisheries Officer-cum-Chief Executive Officer, Supaul is also under challenge in the instant writ application but then the period for which the settlement was made was from 2023-2024 and the period is over and despite settlement being made in favour of respondent no. 6 the possession of the pond was not taken from the petitioner. It is submitted that since the period of settlement is over as such the petitioner is now not challenging memo no. 399 dated 29.09.2023 (Annexure-P/1) issued by the District Fisheries Officer-cum-Chief Executive Officer, Supaul.

6. Learned counsel for the petitioner submits that the letter dated 10.05.2023 (Annexure-P/2) is also impugned in the instant writ application on the ground that the lands of the



petitioner have also been settled with the aforesaid Sahyog Samiti when the land is his purchased land. It is submitted that the petitioner, accordingly, sought for a copy of Jamabandi made in favour of Motilal Chaudhary from the Revenue Office of Darbhanga Raj which was provided to him. The petitioner thereafter went to meet the Circle Officer along with a representation but the Circle Officer did not accept the representation nor paid any heed. It is next submitted that it appears that the Circle Officer after realizing his mistake inquired into the matter and issued letter dated 21.08.2023 (Annexure-P/5) staying the operation of his earlier letter dated 10.05.2023 with regard to the land pertaining to Khata No. 670, Khesra No. 8218 and 8219 area 2.40 acres at Mauza Shivpuri Narhi.

7. Learned counsel for the petitioner submits that from perusal of Annexure-P/5 i.e. letter dated 21.08.2023, it would manifest that the Circle Officer had stayed the operation of the letter dated 10.05.2023 but then the settlement with respondent no. 6 was made by memo no. 399 dated 29.09.2023 (Annexure-P/1) which amply demonstrates that despite the Circle Officer staying the operation of letter dated 10.05.2023 by his order dated 21.08.2023 still the District Fisheries Officer-cum-Chief Executive Officer, Supaul went ahead with settlement of the ponds with respondent no. 6 including the ponds of the petitioner.



8. Learned counsel appearing on behalf of the State submits that the learned counsel appearing on behalf of the petitioner has himself submitted that for the present he is not aggrieved by memo no. 399 dated 29.09.2023 (Annexure-P/1) issued by the District Fisheries Officer-cum-Chief Executive Officer, Supaul for the reason that despite settlement being made with respondent no. 6 by the District Fisheries Officer-cum-Chief Executive Officer, Supaul in terms of the letter dated 10.05.2023 the period of settlement is over and the possession of the pond of the petitioner was also not taken. It is next submitted that it appears that after the letter dated 10.05.2023 (Annexure-P/2) was issued and thereafter the Circle Officer stayed the operation of the said letter dated 10.05.2023 by his order dated 21.08.2023 but since the order dated 10.05.2023 was already issued and served on the District Fisheries Officer-cum-Chief Executive Officer, Supaul as such the settlement of the ponds of the petitioner was made on 29.09.2023 for the reason that the letter dated 21.08.2023 (Annexure-P/5) may not have come to the notice of the District Fisheries Officer-cum-Chief Executive Officer, Supaul. It is further submitted that since letter dated 21.08.2023 was issued by the Circle Officer staying the letter dated 10.05.2023, hence, the possession of the pond of the petitioner was not taken despite settlement made by memo dated 29.09.2023 for the period 2023-



2024.

9. Learned State Counsel next submits that in view of the subsequent developments which have taken place as the Circle Officer, Kishanpur, Supaul has issued the letter dated 21.08.2023 and thereafter there is no pleading in the writ application that the pond of the petitioner was further settled with anyone for the period 2024-2025 as such the writ application for the present is not maintainable as the grievance of the petitioner stands redressed since no further settlement of the pond of the petitioner included in letter dated 10.05.2023 has been made in favour of anyone.

10. At this stage, learned counsel appearing on behalf of the petitioner seeks permission to withdraw the instant writ application with liberty to move before an appropriate forum at an appropriate time if need arises.

11. Permission is accorded.

12. Accordingly, the instant writ application is dismissed as withdrawn.

(Satyavrat Verma, J)

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