

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2357 of 2018

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Krishna Mahto S/o Late Baksar Mahto, resident of Village- Dhanauti, P.O. Mashrak, P.S. Panapur, District Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Fisheries and Animal Husbandry, Govt. of Bihar, Patna.
4. The District Magistrate, Saran at Chapra.
5. The Additional Collector, Saran at Chapra.
6. The Deputy Development Commissioner, Saran, Chapra.
7. The Deputy Director of Fisheries, Saran Range, Chapra.
8. The District Fisheries Officer Cum chief Executive Officer, Saran Chapra.
9. The Circle Officer, Panapur, Saran.
10. The Block Development Officer, Panapur, Saran.
11. The Mukhiya, Gram Panchayat Raj, Bakwa, Panapur, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nagendra Rai, Advocate
	:	Mr. Kaushalendra Rai, Advocate
	:	Mr. Radhesh Kumar Sharma, Advocate
For the State	:	Mr. Dhurjati Kumar Prasad, GP-14

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 12-01-2026 Heard Mr. Nagendra Rai, learned counsel for the
petitioner and learned counsel representing the State.

2. The present petition has been preferred for the
grant of following relief(s):

*“(i) for issuance of writ in the nature
of mandamus commanding respondents to quash
the memo no.1153 dated 21.12.2017 (Annexure-*



5) with regard to the petitioner at serial no. 7 issued under the signature of respondent no. 8 whereby and where under an open bid for 24 Ponds/Jalkars invited for unsettled jalkars from period 2017-18 to 2018-19 (till 30.06.2019) including allotted bhoodan Dhanauti Jalkar bearing Khata no. 314, Khesra no. 2154 to petitioner 02.06.1997 under the provisions of Bihar Jalkar Prabandh Act 2006.

(ii) for commanding respondents to exclude Dhanauti Jalkar bearing Khata no. 314, Khesra no.2154 from Jalkar Sairat.

(iii) for any other relief/reliefs for which the petitioner is entitled for int the facts and circumstances of the case.”

3. The matter relates to the land as under :

Khata No. 314, Survey No. 2154, Thana No.72, Area 1 Acre 20 Decimal in the village Dhanauti, Panapur, Saran.

4. The submission is that pursuant to the grant of the said area in favour of the petitioner/his father, time and again



disturbance were made and in continuation of that, the Mashrakh Fisheries Cooperative Society preferred Title Suit No. 33 of 1984 against the petitioner/his father for the said land which came to be dismissed on 12.05.1988 by the competent Civil Court, Chapra (Annexure-6 to the petition).

5. He submits that no appeal has been preferred by any of the parties and the family is enjoying the fruits of the said land/pond. However, the District Fisheries Officer, Saran, Chapra (respondent no.8) vide memo no. 1153 dated 21.12.2017 (Annexure-5 to the petition) settled the said pond with the locals under an agreement for the period 2017-18 to 2018-19 forcing him to prefer the writ petition. Upon query, whether after the lapse of the said agreement in the year 2019, further development has taken place, the answer is in negative.

6. The submission is that they are fully in command of the land in question and to their best of knowledge, the State who claims it to be their land has not preferred any appeal against the order in question.

7. A counter affidavit has come on behalf of the respondent nos. 4, 8 and 9 duly signed by the Circle Officer, Panapur, Saran, Chapra and they have just narrated the same story which has been incorporated by the petitioner in his writ



petition recording that the Title Suit stand dismissed little realizing that it is the case of the petitioner that the Title Suit preferred against them stands dismissed.

8. This Court is of the opinion that State respondents despite knowledge about the filing of the writ petition and the claim of the petitioner over the land in question as also the order passed in Title Suit No. 33/59 of 1984/1987, have not taken any action. In that background, till the order dated 12.05.1988 in the aforesaid Title Suit prevails, the petitioner has all the rights/power to enjoy the fruits of the land in question. As recorded above, the District Fisheries Officer, Saran, Chapra has not taken any further step for settlement of the said pond in favour of anyone as submitted by learned counsel for the petitioner.

9. In that background, the writ petition is disposed of, with the aforesaid observation. Needless to add, the petitioner will always have the liberty to agitate the matter, if situation so want.

(Rajiv Roy, J)

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