

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.830 of 2012

In

Civil Writ Jurisdiction Case No.11953 of 2010

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Kanhaiya Choudhary Son of Late Dukh Haran Choudhary, resident of Village-Chanpura, P.O.-Dhanukhi Chanpura, Via-Basaith, District-Madhubani.

... .. Petitioner/s

Versus

1. Mr. Sudhir Kumar, the Secretary cum Commissioner Animal Husbandry and Fisheries Department Government of Bihar, Patna.
2. Mr. Nishad Ahmad, Director, Animal Husbandry and Fisheries Department, Government of Bihar, Patna.
3. Mr. Gauri Shankar, District Fisheries Officer, Madhubani.
4. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Purushottam Jha, Advocate
For the State : Mr. Gautam Bose Aag8

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 09-07-2026 Heard the parties.

2. The present petition has been preferred:

*for initiating a contempt
proceeding against the
contemnors/opposite parties and
to punish them suitably for their
willful and deliberate act of
disobedience and non compliance
of the order dated 30.08.2010
passed in CWJC No. 11953 of*



2010 by Sheeme Hon'ble Mrs. Justice S. Al Khan whereby and whereunder the writ application filed by the petitioner has been disposed of with a direction to the Contemnors | Opposite Parties to settle the Jalkar in question in favour of the petitioner in accordance with the provisions of the Act as has been done vide order dated 31.03.2003 passed in CWJC No. 7439 of 2002 and order dated 28.02.2007 passed in CWJC No.12447 of 2006. And the petitioner was also directed to deposit the settlement amount with respect to the Jalkar in question in proportion to the area owned by the State of Bihar.

It was further directed that the petitioner would bring this order to the notice of the District



*Fisheries Officer and Fisheries
Department, Bihar who will settle
the matter within eight weeks from
the date of its receipt.”*

3. Learned State Counsel has brought on record the order passed on 06.07.2022 in LPA No. 798 of 2012 preferred by the States against the present order in question (State of Bihar and Ors. Vs Kanhaiya Choudhary and another) and submit that with the passage of time, the interest of the respondent has lapsed and as such, there is no need to interfere with the learned Single Judge order dated 03.08.2010. The short order passed on 06.07.2022 in LPA No. 798 of 2012 is incorporated herein below:

*Heard learned counsels for the
parties.*

*The present appeal is against the
order of the learned Single Judge passed in
CWJC No.11953/2010.*

*Core issue involved in the
litigation is providing contract of
Government Tanks/Jalkars for the purpose
of fishing activities. Undisputedly such a
contract would be for a period of five years.
Further, during pendency of the present
petition two such contracts have already*



spent its force.

In the light of these facts and circumstances the present appeal has attained infructuous. At this stage learned counsel for the respondents intends to address the argument. Matter is of the year 2012. No interest of the respondent is involved in the year 2022 so as to interfere with the learned Single Judge order dated 03.08.2010 in the year 2022 in light of the aforesaid observation to the extent that contract of fisheries is given for a period of five years.

Accordingly, the respondents counsel requested for adjourning the matter is hereby rejected. In the result LPA stands disposed of it has become infructuous.

4. In that background, nothing remains, the MJC No. 830 of 2012 is disposed of.

(Rajiv Roy, J)

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