

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9381 of 2018

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Manoj Kumar Son Of Ramashankar Prasad resident Of Villge Chauki Hasan
P.s-Barharia District Siwan

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director Fisheries Department Government Of Bihar Patna
3. The Collector Cum District Magistrate Siwan
4. The District Fisheries Officer cum chief Executive Officer Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Adv.
For the Respondent/s : Mr. Rishi Raj Sinha -Sc19

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-01-2026 Heard the parties.

2. The present application has been preferred for the
following relief(s):

*for issuance of appropriate Writ in
the nature of Certiorari for quashing the
letter bearing its No. 267 dated 13/4/2018
(Annexure-4) issued under the signature of
District Fisheries Officer cum Chief
Executive Officer, Siwan by which 49 Jalkars
settled in favour of Barharia Prakhanda
Fisheries Co-operative Societies Ltd. has
been cancelled in view of Section 7 (xii)
(Jha) of Bihar Fish Jalkar Management Act
2006 and the petitioner further prays for
quashing the letter as contained in Memo
No. 305 dated 21/4/18 (Annexure-5) issued*



by the District Fisheries Officer cum Chief Executive Officer, Siwan by which notice has been issued for settlement of 49 unsettled Jalkars belonging to Barharia Anchal through the limited/open bid which is scheduled to be conducted in the Office of D.F.O cum Chief Executive Officer on 24/5/18 and 25/5/18 by way of limited bid respectively and on 29/5/18, 4/6/2018 by way of open bid which is illegal, unjustified and contrary to the Bihar Fish Jalkar Management Act and grant another relief/reliefs for which the petitioner is entitled under the law according to facts and circumstances of the case.

3. Earlier, the petitioner who represent the Block Fisheries Co-operative Society, Barharia in the district of Siwan was allotted 49 ponds for the period 2012-19 on certain amount which was not cleared by it.

4. Accordingly, after noticing and as they failed to act, vide order in question, the settlement was canceled.

5. Aggrieved, the petitioner moved before this Court.

6. This was taken up by a Co-ordinate Bench on 22.05.2018 and while granting time to the State to file affidavit in four weeks, the order by which the District Fisheries Officer, Siwan issued fresh tender, was stayed.



7. A writ petition was filed, Co-ordinate Bench wanted the State to file reply, the bid was stayed on 22.05.2018, the respondent chose not to file any affidavit. The petitioner naturally enjoyed the fruits upto the period (2019) for which the settlement was earlier made.

8. It seems now with the passage of time, the matter has become infructuous.

9. However, as the State respondent failed to file any reply in time, a cost of Rs. 1,000/- is imposed to be paid by the respondent no. 4 to the District Legal Services Authority, Siwan. Failure to do so, the same be realized in accordance with law.

10. The respondent no. 4 is free to take steps for realization of the amount from the erring officials due to fault of which, no counter affidavit was filed.

11. The writ petition is disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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