

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13978 of 2019

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1. Prabhat Kumar S/o Ranveer Sahni R/o Village-Hattha, P.O. -Hattha, P.S. Diyar, District-Muzaffarpur Secretary of Bardara Prakhand, M.S.S. Ltd. Bardara
 2. Bardara Prakhand Matasyajivi Sahyog Samiti Ltd. Bardara, through its elected Secretary Prabhat Kumar

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Animal Husbandary and Fisheries Department, Bihar, Patna
2. The District Magistrate Muzaffarpur
3. The Director Fisheries Department, Bihar, Patna
4. The Under Secretary Animal Husbandary and Fisheries Department, Bihar, Patna
5. The Joint Director Fisheries Department, Bihar, Patna
6. The Dy. Director Fisheries Department, Tirhut Division, Muzaffarpur
7. The District Fisheries Officer cum Chief Executive Officer Muzaffarpur
8. The Remission Committee through Collector, Muzaffarpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.
For the Respondent/s : Mr. Wasi Ahmad Khan, AC to SC-25

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 13-01-2026 Heard Mr. Deepak Kumar , learned counsel for the

petitioner and Mr. Wasi Ahmad Khan, learned State Counsel.

2. The present application has been preferred:

*for issuance of writ of mandamus
directing the respondents not to treat the
petitioners as defaulter without disposal of
the remission petition as provided in section
12 (v) of the Fish Jalkar Management Bihar
Act 2006. Respondent no. 7 has wrongly*



cancelled the settlement of period 2018-19 vide letter no. 350 dated 28.02.2019 without disposed of the remission petition, such action of respondent no. 7 is wholly illegal in the eye of law. It is further submitted that the petitioner has deposited the revenue a sum of Rs. 5,14,897/-vide receipt no. in 028441 dated 13.12.2017 contained Annexure-2 for the period 2015-16, 2016-17 and 1st instalment of 2017-18 which was previous dues that may be adjusted towards the dues for 2017-18 but respondent no. 7 without adjusting the previous deposit amount paid by the petitioner society and without disposed of the remission petition which is pending before the authority, the respondent no. 7 is declared the petitioners as defaulter and cancelled their settlement such action of respondent no. 7 is wholly illegal, without jurisdiction and the same is fit to be quashed.

3. At the outset, learned counsel for the petitioner accepted that the petitioner approached this Court in the capacity of the Secretary of the said fisheries society and is presently not serving on the said post. Secondly, the settlement period also has come to an end.

4. In that background, he be granted liberty if a fresh cause arises.



5. The State Counsel has no objection.

6. In that background, granting liberty to the petitioner
to agitate afresh, the writ petition is disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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