
(2005) 07 PAT CK 0012
In the Patna High Court
Case No : CWJC No. 2382 of 2005

Sudhan Sahni and Another	Vs	APPELLANT
State of Bihar and Others		RESPONDENT

Date of Decision : 26-07-2005

Acts Referred:

Citation : (2005) 4 PLJR 46

Hon'ble Judges : Aftab Alam, J

Bench : Single Bench

Advocate : Sanjay Kumar, for the Appellant; Nawal Kishore Singh, for the Respondent

Final Decision : Dismissed

Judgement

Aftab Alam, J.—Heard counsel for the petitioner and the counsel representing respondent No. 6. Mr. Ajat Shatru, J.C. to S.C. VIII is also present but he is unable to render any assistance to the Court since no instruction was given to him and no counter affidavit is filed on behalf of the respondent authorities. The petitioner No. 2 is a Fishermen's Co-operative Society which is represented by petitioner No. 1. According to the petitioners, twenty one jalkars of Kanti Circle were initially settled in their favour on payment of reserved jama etc. for a period of three years from 1.4.2004 to 31.3.2007. They make a grievance that later the period of the settlement was reduced to one year ending on 31.3.2005 and some of the jalkars earlier given to the petitioners were given to respondent No. 6.

2. Counsel for respondent No. 6 (another Co-operative Society) submitted that the settlement was not made in favour of the petitioner in any unqualified or absolute manner. With reference to the order dated 29.5.2004 for issuance of parwana in favour of the petitioners (a copy of which is at Annexure 8), learned counsel submitted that the settlement was clearly provisional and subject to the approval by the competent authority. Later on, the Superior Officers of the department found that a number of irregularities were committed in making the

settlement in favour of the petitioners and on the basis of the directions given by them, the impugned order, as contained in Annexure 1, was issued. Though, the settlement in favour of the petitioners was not cancelled, its period was reduced to one year.

3. The period of settlement is now over and fresh settlement of the jalkars are now to be made. In the aforesaid facts and circumstances, no relief(s) can be granted to the petitioners. This writ petition is dismissed subject to the observation that any fresh settlement of the jalkars shall be made by the authorities in accordance with rules and Government circulars and by properly following the Government instructions issued in that regard.