

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.162 of 2025

Monhi Devi Wife of Mahendra Chaudhary Mantri/Secretary, Sahpur Block,
Fishery Co-operative Socceity Ltd., resident of Village-Parsonda, P.S.- Sahpur,
District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Animal and Fisheries Resources, New Secretariat, Vikash Bhawan, Patna.
2. The Deputy Secretary, Department of Revenue and Land Reforms, New Secretariat, Vikash Bhawan, Patna.
3. The Collector, Bhojpur, Ara.
4. The Additional Collector, Bhojpur, Ara.
5. The District Fishery Officer-cum-Chief Executive Officer, Bhojpur, Ara.
6. The Sub-Divisional Officer, Jagdishpur, Bhojpur.
7. The Circle Officer, Sahpur, Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Ojha, Advocate
	:	Mr. Ved Prakash Chandan, Advocate
	:	Mr. Govind Lal Pandit, Advocate
For the Respondent/s	:	Mr. Birju Prasad, G.P.-13
	:	Mrs. Shweta Anand, AC to GP-13

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT

Date : 27-07-2026

Heard the parties.

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

“(i) setting aside the notice vide Memo

No. 103, dated 02.03.2024 sent by the District

Fishery Officer-cum-Chief Executive Officer,

Bhojpur directing the petitioner to deposit Rs.

17,12,038/ showing dues amount against the



petitioner failing which the petitioner may be penalized.

(ii) quashing the final notice vice Memo No.-175 dated 15.04.2024 sent by the District Fishery Officer-cum-Chief Executive Officer, Bhojpur directing the petitioner to deposit Rs. 17,12,038/ showing dues amount otherwise the petitioner may be penalized.

(iii) for direction to the concerned respondents to issue parwana of "Suhiya Bhagar" in the name of the petitioner as soon as possible.

(iv) for direction to the respondents to restrain from recover the amount of notice from the petitioner which she never utilized for fishing for want of "Parwana".

(v) pass any other order/orders as deem fit and appropriate by this Hon'ble Court."

3. The matter relates to **"Suhiya Bhagar"** Jalkar Settlement which was settled with the petitioner's who claims herself to be the **Secretary** of the **Fisheries Cooperative Committee Limited, Sahpur** in the District of **Bhojpur**. The case of the petitioner is that the first settlement was for the



period **01.04.2023 to 30.06.2023** for a consideration amount of Rs. 8,11,250/-. The second settlement was made for the remaining period of 2023-24 and a sum of Rs. 17,12,040/- was to be deposited and the same was paid on 08.11.2023.

4. The letter no. 103 dated 02.03.2024 issued by the respondent no. 5 and addressed to the petitioner recorded that the settlement of 31 Jalkars were made for the period 2023-2024 to 2026-2027 and the second installment to the tune of Rs. 17,12,038/- is still pending which be cleared, else, appropriate step shall be taken for the realization of the amount .

5. The **letter no. 103 dated 02.03.2024** is incorporated herein below for proper appreciation:

जिला मत्स्य पदाधिकारी-सह-मुख्य कार्यपालक पदाधिकारी कार्यालय
भोजपुर

Email Id:- dfobhojpur802301@gmail.com

प्रेषक,

जिला मत्स्य पदाधिकारी-सह-
मुख्य कार्यपालक पदाधिकारी,
भोजपुर (आरा)।

सेवा में,

श्रीमति मोनही देवी, मंत्री
मत्स्य जीवी सहयोग समिति लि० शाहपुर

विषय:- जलकरों की बन्दोवस्ती का बकाया राजस्व जाम करने के संबंध में द्वितीय नोटिस।

महाशय,

उपयुक्त विषयक संदर्भ में सूचित करना है कि 31 (इसतीस) जलकर की बंदोवस्ती वर्ष 2023.24 से 2026.27 तक के लिए आपके साथ कि गई है जिसका राजस्व वर्ष 2023.24 (द्वितीय किस्त) का मो० 1712038/ रुपया (सतरह लाख बारह हजार अड़तीस रुपये मात्र) अब तक बकाया है

अतः पत्र प्राप्ति के साथ ही बकाया राजस्व सरकारी खाते में जमा कर अद्योहस्ताक्षरी को सूचित करे अन्यथा नियमानुसार बकाया राजस्व की वसूली हेतु दण्डात्मक कार्रवाई करते हुए राजस्व की वसूली निलामपत्र वाद के माध्यम से की जायेगी जिसकी सारी जिम्मेवारी आपकी होगी।

विश्वासभाजन

ह०/-



जिला मत्स्य पदाधिकारी—सह—
मुख्य कार्यपालक पदाधिकारी,
भोजपुर।

6. This followed the letter no 175 dated 15.04.2024. The petitioner challenged the two letters by filing the present writ petition.

7. During the pendency of the writ petition, number of supplementary affidavits have been filed and though there are documents to show that long rope was given to the petitioner to make the payment, one being the **letter no. 568 dated 31.07.2025** issued by the **District Fisheries Officer, Bhojpur**, the dues that accrued against the said settlement was never cleared.

8. It is further important to note that though the petitioner challenged the two letters as recorded above, it never sent replies to the respondents to the two letters issued. However, after the filing of the writ petition and it seems on legal instruction, it responded to the letter dated 31.07.2025 by informing that no 'Parwana' was issued.

9. This followed the office letter no. 253 dated 10.09.2025 issued by the Collector, Bhojpur, Arrah informing that no payment is being made though the society is continuing with the fishing in this Jalkars for which proofs are available. Direction was thus given to pay the complete amount of Rs.



67,62,981/- to avoid legal repercussions.

10. The letter no. 953 dated 10.09.2025 read as follows:

जिला मत्स्य पदाधिकारी-सह-मुख्य कार्यपालक पदाधिकारी कार्यालय
भोजपुर

Email Id:- dfobhojpur802301@gmail.com

प्रेषक,

पत्रांक:- 953

जिला पदाधिकारी
भोजपुर, आरा।

सेवा में,

श्रीमति मोन्ही देवी,
मंत्री, प्रखण्ड स्तरीय, मत्स्यजीवी सहयोग समिति ली0
शाहपुर, भोजपुर (बिहार)

मत्स्य/भोजपुर/दिनांक 10/09/2025

विषय:- समिति के साथ बंदोबस्त सभी जलकरों का बकाया राजस्व 7 दिनों के भीतर जमा करने के संबंध में।

महाशय,

उपरोक्त विषयक के सम्बन्ध में अवगत कराना है कि शाहपुर मत्स्यजीवी सहयोग समिति ली0, शाहपुर को जिला मत्स्य कार्यालय पत्रांक 1000 दिनांक 15/06/2023 द्वारा निर्गत बंदोबस्ती आदेश समिति के वर्तमान कार्यकाल जो दिनांक 01/07/2023 से 30/06/2027 तक है जिसकी बंदोबस्ती का वार्षिक राजस्व 3424078 रु0 मात्र है। बंदोबस्ती आदेशानुसार प्रत्येक राजस्व वर्ष का राजस्व का प्रथम किस्त जून माह और द्वितीय किस्त जनवरी माह तक जमा करना प्रावधानित है। परन्तु अभी तक मत्स्यजीवी सहयोग समिति के द्वारा मात्र राजस्व वर्ष 2023-24 का प्रथम किस्त ही जमा किया गया है। समिति के पास राजस्व वर्ष 2023-24 का द्वितीय किस्त, राजस्व वर्ष 2024-25 का प्रथम एवं द्वितीय किस्त एवं राजस्व वर्ष 2025-26 का प्रथम किस्त बकाया है। जो क्रमशः 16,26,815+34,24,078+1712090=67,62,981 (कुल मो0 सरसठ लाख बासठ हजार नौ सौ इक्कासी रुपये मात्र) बकाया है। आपके द्वारा लगातार जलकरों में शिकारमाही की जा रही है। विभाग के तरफ से शिकारमाही प्रतिबंधित नहीं की गयी है। जिसका साक्ष्य भी उपलब्ध है। सरकारी राजस्व जमा नहीं की जा रही है जो अधिनियम के नियमों के प्रतिकूल है।

जिला मत्स्य कार्यालय के द्वारा कार्यालय पत्रांक 1081 दिनांक 17/08/2023, पत्रांक 578 दिनांक 02/08/2025, कार्यालय पत्रांक 650 दिनांक 19/08/2025, पत्रांक 864 दिनांक 29/08/2025, पत्रांक 910 दिनांक 04/09/2025, द्वारा राजस्व जमा करने हेतु पत्र एवं अंतिम स्मार पत्र भी निर्गत किया गया है। बंदोबस्ती आदेश के बावजूद राजस्व जमा नहीं करना घोर लापरवाही एवं जलकर प्रबंधन अधिनियमों के निहित धाराओं का उल्लंघन है।

अतः आपको आदेश दिया जाता है कि 7 दिनों के अन्दर बकाया बंदोबस्त राशी विभाग के खाते में जमा कर अधोहस्ताक्षरी को सूचित करें। अन्यथा नियमानुकूल कार्रवाई के आप स्वयं जिम्मेवार होंगे।

विश्वासभाजन

ह0/-

जिला पदाधिकारी
भोजपुर (आरा)

(emphasis added)



11. Though the letter aforesaid has not been challenged, it has been brought on record by filing the second supplementary affidavit.

12. The third supplementary affidavit records that she complained to the Divisional Commissioner, Patna Division, Patna . The further contention is that she deposited Rs. 16,22,750/- on 29.09.2025.

13. The only point raised by the learned counsel for the petitioner is that for want of ‘Parwana’ for the subsequent years, the demand is illegal and further they are not doing fishing activities. As such, original orders need to be quashed.

14. The counter affidavit of the respondent no. 5, the District Fisheries Officer-cum-Chief Executive Officer, Bhojpur, Ara has been filed after service copy to the learned counsel for the petitioner on 23.09.2025. Paragraphs 13 to 17 read as under:

13. That it is further stated and submitted that the petitioner have following due of the Government Revenue from out of Total 31 Jalkars including Suhiya Bhagar:-

Calculation Chart

<i>Sl. No.</i>	<i>Financial Year</i>	<i>Installment</i>	<i>Deposited/Not Deposited</i>
<i>1.</i>	<i>2023-2024</i>	<i>(1st/2nd)</i>	
	<i>(1st year)</i>	<i>Rs. 17,12,040/-</i>	<i>Deposited 1st Installment</i>
		<i>+ Rs. 85,275/-=</i>	



Total= 17,97,315/-

	<i>(2nd year)</i>	<i>Rs. 16,26,763</i>	<i>2nd Installment dues</i>
2.	<i>2024-2025</i> <i>(1st & 2nd year)</i>	<i>Rs. 34,24,078/-</i>	<i>1st and 2nd installment</i>
3.	<i>2025-2026</i> <i>1st year)</i>	<i>Rs. 17, 12,039/-</i>	<i>Dues 1st installment</i>

Total Dues Rs. 67,62,880/- which has to be recovered from the petitioner.

14. That it is stated and submitted that the respondent no.5 sent a letter dated 02.08.2025 to the petitioner for payment of dues in question but not to effect.

15. That it is further stated and submitted that the answering respondent no.5 again sent a letter dated 19.08.2025 to the petitioner but nothing has been paid saying that the instant writ petition is pending before this Hon'ble Court while he has been fishing daily from the Total Jalkars in question.

16. That it is further stated and submitted that after knowledge of the aforesaid facts, the District Magistrate, Bhojpur, Ara sent a letter no.953 dated 10.09.2025 to the



*petitioner but nothing has been Court.
deposited the Government Revenue as yet
which clearly shows that she is taking
advantage of the instant writ petition which
is pending before this Hon'ble*

*17. That in the above facts and
circumstances of the case, the petitioner has
knowingly violated the settle provision of
law and she embezzled the government
money Total Rs.67,62,880/- **which is dues
upon the petitioner and shows fishing
continuously till date from the Total
Jalkars.***

(emphasis added)

15. It is to be noted that the counter affidavit was handed over to the learned counsel for the petitioner on 23.09.2025 i.e. ten months ago and paragraphs 15 and 17 which records that they are continuing with the fishing activities in the settled 'Jalkars' have not been rebutted by filing any reply.

16. Learned counsel for the petitioner submits that he is on technical issue that for want of 'Parwana', no fishing



activity can take place. It has been countered by the learned State counsel submitting that not only the payments were not made, they are fishing daily from the said Jalkars thus putting the State government to great loss.

17. Learned counsel for the petitioner to support his case drew attention of this Court to the **Division Bench Judgment of Patna High Court** in the case of the **State of Bihar vs. Jhanjharpur Anchal Matsyajivi Sahyog Samiti Limited** reported in **2016(4)PLJR 553** which read as under:

The only question that arose in this appeal is that whether the learned Single Judge was right in directing the State to make proportionate refund of the settlement amount for settlement of Jalkar, the settlement of which had been delayed because of administrative lapse. The facts are not in dispute. The writ petitioner society had opted for Jalkar settlement for the year 2008-09 by the time the settlement order was issued and parwana issued for exploiting the Jalkar only about 49 days were left. However, society was directed to deposit full amount for the entire year. They thus claim proportionate refund for not



having been able to exploit the Jalkar for the entire year. The Director Fisheries, for reason not know necessitated that as the settlement was for the entire year the payment has to be made irrespective of the period.

18. Learned counsel for the petitioner thus submits that the letters in question need interference.

19. Learned State counsel on the other hand submits that facts have been placed by the petitioner only to their advantage. The unrebutted facts are that:

i. the settlement was for the year 2023-2024 to 2026-2027;

ii. the further fact is that the petitioner chose not to make any further payment but right from the word go, they are fishing in all the Jalkars and the respondents have proofs to that effect;

iii. on the one hand, they say that the 'Parwana' was not issued and as such, they could not do fishing, on the other hand, they paid Rs. 16,22,750/-



*in the year 2025 clearly reflecting on
their falsehood as also their
continuous fishing activities;
iv. all the facts recorded in the counter
affidavit has/have not been rebutted;
v. as such, the writ petition is fit to be
dismissed with cost.*

20. Having heard the parties, this Court has taken note of the letters issued by the District Fisheries Officer, Bhojpur as also the Collector, Bhojpur which talk about the settlement made for the period 2023-2024 to 2026-2027. It is to be noted again that the petitioner never answered to the letters issued by the District Fisheries Officer, Bhojpur which talks about the settlement upto the year 2026-27.

21. Further, pursuant to the first installment, the petitioner/society started fishing in all the Jalkars without making payment when letters demanding payments were made.

22. Further, the flip flop of the petitioner can be seen from the fact that on the one hand, the claim is that no 'Parwana' was issued, on the other hand, after the filing of writ petition, she paid Rs. 16,22,750/- on 29.09.2025.

23. The two letters dated 02.03.2024 and 15.04.2024



issued by the District Fisheries Officer, Bhojpur as also the letter dated 10.09.2025 by the Collector, Bhojpur clearly shows that the settlement was made for the period 01.07.2023 to 30.06.2027 but the petitioner deliberately defaulted.

24. The counter affidavit also records that the settlement was up to 30.06.2027, a fact not rebutted by filing any reply. This Court has further taken note of this fact that the petitioner solely is continuously doing fishing activities in the Jalkars.

25. Some words for the respondents too. This Court is amazed on the way the respondents have behaved. Here is the case where settlement was made upto the year 2026-27. The demand order was made way back in the year 2024. It was neither replied nor payments made. Further, though belatedly, in the month of January 2025, a writ petition was filed challenging the demand letters, no prayer for the early hearing ever made nor any stay granted in the matter. Meanwhile, they continued with the fishing activities.

26. In that background, the questions that this Court has/have for the respondents as to what prevented them from:

(i). canceling the settlement;

(ii). filing appropriate case before the



appropriate authority for the realization of the amount;

27. This irresponsible behaviour of the district respondents has/have not resulted into huge financial loss to any individual, it is the State which has suffered. Clearly, the act of the respondents in giving long rope to the petitioner is/are not above the board and an enquiry at the level of Collector, Bhojpur has to be done.

28. Accordingly ordered. The Collector, Bhojpur must hold an enquiry not only in the present case but all such settlement cases of the Jalkars across the district where:

(i) payments have been withheld;

(ii) fishing activities are continuing;

(iii) there being no stay by any Court;

(iii) still, the Fishery Officers have not taken any steps for cancelling the settlement.

29. So far as the judgment of the **State of Bihar** (supra) matter is concerned, it in no case applies in the present case. In the aforesaid case, the settlement period left was only 49 days but the direction was made for the payment for the entire financial year. In that background, the Patna High Court intervened.



30. However, in the present case, the admitted facts are that since the settlement year (2023-24) till date, the petitioner society is continuously doing fishing activities in the Jalkars, a fact recorded in the counter affidavit, copy served ten months ago and not denied.

31. The facts come first and the unrebutted facts are that the petitioner/the Fisheries Society she represents have been continuously doing fishing activities in the said Jalkars and despite the long rope given by the respondents, they failed to amend and/or clear the amounts. From the submissions put forward by learned counsel for the petitioner, it is further clear that they have no intention to make any payment as no such submission was ever made to allow them to make payment in regular installment and/or their case be given sympathetic consideration by the respondents so far as the payment of dues are concerned. Thus, the petitioner who are illegally doing fishing activities without making payment to the State cannot hide behind the order of the State of Bihar (supra) case.

32. The facts have been recorded. This takes the Court to only one conclusion. No interference in the present matter is required. The writ petition is dismissed with a cost of Rs. 5,000/- to be deposited with Patna High Court Legal Services



Committee within a month, failing which appropriate steps be taken in accordance with law for the realization of the amount.

33. The Collector, Bhojpur is directed to conduct and conclude enquiry on the points recorded by the Court/additional point, the Collector, Bhojpur may deem fit and proper and take immediate remedial measures thereafter. The entire process must be completed in the next three months as the state exchequer is loosing money due to non-payments of settled amount.

(Rajiv Roy, J)

munindra/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	29.07.2026
Transmission Date	NA

