IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19883 of 2021

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Subhash Singh

... ... Petitioner/s

Versus

The State of Bihar

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr.Brajesh Kumar Singh
For the Respondent/s : Mr.Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

5 24-03-2022 The matter comes upon I.A. No. 03/2022.

The application has been filed for vacating the interim order dated 15.12.2021 passed by this Court. This Court vide order dated 15.12.2021 passed the following orders:

> "Prima facie, it is evident that impugned order dated 08.11.2021 has been passed without providing opportunity to the peitioner. Hence, the aforesaid order dated 08.11.2021 is stayed till the next date of hearing."

Learned counsel for the respondents has submitted that the order of principle contract for fishery in the said Water Body was for the period from 01.07.2021 to 30.06.2022 and the respondents had already started fishing from 01.07.2021 and in

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mid way from 15.12.2021. The interim order has been passed resulting preventing the applicant from completing the fishing process, for which the applicants have already deposited a sum of Rs.67,000/- with the State Government.

The learned counsel has pointed out that the Bihar Water Bodies Management Act, 2006 came into force and the Parwana (contract) was awarded to the petitioner under the said Act of 2006.

Learned counsel for the petitioners has contested the I.A. No.03/2022 and submits that the Civil Court has passed a decree for injunction against the State as well as private persons from interfering in the possession of the complainant over the disputed Jalkar (Water Body). The said injunction is still operative and therefore, the State Government could not have allotted the Jalkar for fisheries to the respondents.

This Court finds that the petitioner has not been satisfied whether the decree of injunction would have forced after the coming into the fact of the Bihar Water Bodies Management Act, 2006. He has also not been able to show that whether the Water Bodies in possession of private persons would have excluded from the provisions of the Act, 2006 as amended from time to time. This Court also finds that in case

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relating to allotment of fisheries work by way of contract to any person, would not be impugned on the ground of violation of principles of natural justice. Prima facie, principles of natural justice will have no claim in cases relating to ward contract which are governed by the provisions of Act.

In view thereof, considering that the applicant was already awarded the contract and was functioning from July, 2021. The order of awarding of contract dated 08.11.2021 does not require to be stayed. The impugned order dated 15.12.2021 is accordingly vacated.

List this case for its final argument on 21.04.2022.

(Sanjeev Prakash Sharma, J)

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