

Court No. - 51

Case :- WRIT - C No. - 2755 of 2023

Petitioner :- Nandlal Chamar

Respondent :- State Of U P And 4 Others

Counsel for Petitioner :- Akhilesh Kumar

Counsel for Respondent :- C.S.C., Ashish Kumar Mishra, Mashaluddin Shah, Pradeep Singh

Hon'ble Chandra Kumar Rai, J.

1. Heard Counsel for the petitioner, Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents and Mr. Ashish Kumar, Counsel for respondent no.5.

2. Counsel for the petitioner submitted that petitioner has filed appropriate amendment application to challenge the fisheries lease executed in favour of respondent no.5.

3. Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents and Mr. Ashish Kumar, Counsel for respondent no.5 submitted that petitioner have alternative remedy under Rule 59 of the U.P. Revenue Code, Rules 2016 to challenge the lease rather writ petition before this Court, as such, writ petition be dismissed as not maintainable.

4. I have considered the arguments advanced by learned Counsel for the parties and perused the records.

5. The provisions contained under Rule 59 of the U.P. Revenue Code Rules, 2016 will be relevant for perusal which is as under:-

"Every lease referred to in rule 57 or rule 58 shall be deemed to be a lease for agricultural purpose, and any person aggrieved thereby may prefer an appeal to the Collector within 30 days from the date of approval by the Sub-Divisional Officer and subject to the provisions of section 210, the order of the Collector shall be final."

6. In view of the provisions contained under Rule 59 of the U.P. Revenue Code, Rules 2016 as quoted above, the petitioner can challenge the fisheries lease in appeal. Writ petition is **dismissed** on the ground of alternative remedy. However, petitioner can file appeal under Rule 59 of the U.P. Revenue Code, Rules 2016 challenging the lease along with the prayer for condonation of delay before Collector who shall consider the delay condonation matter liberally and decide the appeal in accordance with law expeditiously.

Order Date :- 8.11.2023/ Vandana Y.