

Neutral Citation No. - 2023:AHC:219956

Judgment Reserved on 05.10.2023

Judgment Delivered on 21.11.2023

Court No. - 47

Case :- WRIT - C No. - 30533 of 2023

Petitioner :- Premnarayan And 3 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Salilendu Kumar Upadhyay, Antaryami
Upadhyay

Counsel for Respondent :- C.S.C., Avinash Chandra Srivastava, V.P.
Singh Kashyap

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel and perused the record.
2. This writ petition has been filed for following prayer:
 - i) *Issue a writ, order or direction in the nature of **CERTIORARI** quashing the impugned order dated 27.07.2023 and 31.07.2023 (signed on 27.07.2023) passed by third respondent.*
 - ii) *Issue a writ order or direction in the nature of **MANDAMUS** directing to the respondents not to interfere into the fisheries right of the each petitioners over Gata No. 2437 (Old Gata No. 1981), Area 1.620 hectare, situated at village Bhawat, Tehsil Bhogaon, District Mainpuri.*
3. Contention of the learned counsel for the petitioner is that the petitioners were granted fisheries lease on 29.03.2016 for a period of ten years which is going to expire in the year 2026. Without cancelling the fisheries lease granted to the petitioner fresh lease

has been granted by the respondents to the respondent no. 5 on 16.07.2022. After grant of fresh lease, order dated 27.07.2023 has been passed by respondent no. 3 cancelling the lease of the petitioner. Order dated 27.07.2023 was ex-parte.

4. By order dated 18.09.2023, instructions were called and on 05.10.2023, the instructions were placed by the learned Standing Counsel which are taken on record. Apart from other objections, learned Standing Counsel submitted that against the orders impugned, the petitioner has preferred an appeal before the Collector under Rule 59 of U.P. Revenue Code Rules, 2016 and the aforesaid appeal, order dated 31.07.2023 has been passed directing the parties to maintain status quo vide order dated 31.07.2023. It has been further contended by learned Standing Counsel that this petition was filed by the petitioner on 29.09.2023 but the petitioner has not disclosed about the filing of the appeal against the order impugned.
5. In view of the same, I am not inclined to interfere in the matter.
6. The Collector, Mainpuri is directed to decide the appeal filed by the petitioners expeditiously in accordance with law, preferably within a period of two months from the date of production of a certified copy of this order after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties provided that there is no other legal impediment.
7. With the aforesaid direction, the writ petition is disposed of.

Order Date :- 21.11.2023

Ved Prakash

(Manish Kumar Nigam, J.)