

Court No. - 51

Case :- WRIT - C No. - 35507 of 2023

Petitioner :- Natthu

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

Counsel for Petitioner :- Manish Kumar Kashyap, V.P. Singh Kashyap

Counsel for Respondent :- G.A.

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Manish Kumar Kashyap, learned counsel for the petitioner, Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents and Mr. Arun Kumar Pandey, learned counsel for respondent no.4- Gaon Sabha.

2. The instant petition has been filed for mandamus commanding respondent no.3 to permit the allotment of fisheries lease of Gata No.22 area 5.719 hectare situated at Village- Juneta, Tahsil- Chandausi, District- Sambhal.

3. Learned counsel for the petitioner submitted that plot no.23 has been allotted in favour of petitioner for fisheries right for the period of 10 years (2023-2033). He further submitted that plot no.22 is adjacent to plot no.23, as such, petitioner should be given right to conduct fisheries right in plot no.22 also.

4. Mr. Abhishek Shukla, learned Additional Chief Standing Counsel for the State-respondents submitted that the petitioner is lease holder of plot no.23, as such, he cannot be given any right in respect to plot no.22, which was not auctioned at all in favour of the petitioner. He further submitted that the procedure has been prescribed for auction in respect to pond under Section 61 of U.P. Revenue Code, 2006 and Rule 57 of U.P. Revenue Code Rules, 2016, as such, nobody can given right to conduct fisheries without following due procedure of law.

5. I have considered the argument advanced by learned counsel for the parties and perused the records.

6. There is no dispute about the fact that the petitioner is lease holder of plot no.23 for the period of 10 years but there is no auction in favour of petitioner in respect to plot no.22.

7. In view of the aforementioned facts and circumstances, no interference is required in the matter.

8. The writ petition is misconceived and ***dismissed accordingly.***

Order Date :- 1.11.2023

Rameez