

Court No. - 40

Case :- WRIT - C No. - 37249 of 2023

Petitioner :- Matsya Jivi Sahkari Samiti Ltd. Lalauli

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Sanjeev Kumar Saxena

Counsel for Respondent :- C.S.C,Deepak Kumar

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Ram Manohar Narayan Mishra,J.

1. Heard Sri Sanjeev Kumar Saxena, learned counsel for the petitioner, Sri Deepak Kumar, learned counsel for the respondent No.6 and Sri Fuzail Ahmad Ansari, learned counsel for the State-respondents.

2. The present petitioner is aggrieved with the auction proceeding in pursuant to the Advertisement dated 1.9.2023 for settlement of fisheries right.

3. Sri Fuzail Ahmad Ansari, learned counsel for the State-respondents raised an objection that the objection of the petitioner was well considered. Even the petitioner's claim is sustainable in view of the Government's Order dated 10th January, 2019. He placed reliance on paragraph No.10 of the said order, which provides that in case any incumbent is aggrieved with the settlement of auction proceeding, he can file an appeal before the Divisional Commissioner. He lastly submits that once the petitioner has efficacious remedy in view of Government's Order dated 10th January, 2019, there is no reason or occasion to bypass the alternative forum.

4. Considering the facts and circumstances, we are not inclined to entertain the writ petition on the ground of efficacious remedy.

5. In the interest of justice, in case the petitioner prefers an appeal before the Divisional Commissioner within a week's time, we hope and trust that the same shall be considered on merits but certainly after giving opportunity of hearing to all the stakeholders in the matter.

6. With the aforesaid directions, the writ petition is disposed of.

Order Date :- 8.12.2023

Kamarjahan