

Court No. - 51

Case :- WRIT - C No. - 37386 of 2023

Petitioner :- Urmila

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Manik Chandra Yadav

Counsel for Respondent :- C.S.C., Rameshwar Prasad Shukla

Hon'ble Chandra Kumar Rai, J.

1. Heard Mr. Manik Chandra Yadav, Counsel for the petitioner, Mr. Amit Kumar Srivastava, learned Standing Counsel for the State-respondents and Mr. Rameshwar Prasad Shukla for respondent no. 4, Land Management Committee.

2. The instant petition has been filed for following relief:-

"Issue a writ, order or direction in the nature of mandamus directing the respondent no.3 to make re-auction of the fishpond and grant lease of fish-pond in question on auction basis after holding open meeting of respondent, permitting the petitioner to participate in auction and the effect and operation of alleged auction/ allotment dated 11.9.2023 with regard to fish-pond in question done by respondents may be kept abeyance, till disposal of the matter."

3. Counsel for the petitioner submitted that he was not permitted to participate in the proceeding and auction has taken place in illegal and arbitrary manner in respect to the pond in question. He submitted that petitioner has filed an application dated 25.9.2023 before the District Magistrate which has not been taken into consideration.

4. On the other hand, Mr. Amit Kumar Srivastava, learned Standing Counsel for the State-respondents submitted that application dated 25.9.2023 filed on behalf of the petitioner reveals that auction has been settled in favour of respondent no.5, Tara wife of Rajesh, as such, no interference can be made in the instant petition rather petitioner should avail proper remedy in accordance with law.

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

6. There is no dispute about the fact that plot No. 3315 area 0.4650 hectare situated in Village Fariha, Pargana and Tehsil Nizamabad, District Azamgarh has been auctioned in favour of one respondent no.5, Tara wife of Rajesh.

7. In view of the provisions contained under U.P. Revenue Code, 2006, petitioner should challenge the order granting lease in favour of respondent no.5, Tara in accordance with law. Writ petition is **dismissed** with liberty to petitioner to avail remedy as provided under U.P. Revenue Code, 2006.

Order Date :- 7.11.2023/ Vandana Y.