

Court No. - 47

Case :- WRIT - C No. - 40187 of 2023

Petitioner :- Kamta Prasad Nishad

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

Counsel for Petitioner :- Shailesh Upadhyay, Nalinish

Counsel for Respondent :- CSC

Hon'ble Manish Kumar Nigam, J.

1. Heard learned counsel for the parties and perused the record.

2. The present petition has been filed for the following relief:

"i. Issue writ, order or direction in the nature of certiorari quashing the allotment order dated 16.08.2023 of Sub Divisional Officer Phulpur, Prayagraj whereby fishery pond/plot no. 490 area 2.3050 hectare of Village Umari, Pargana Jhunsi, Tehsil Phulpur, District Prayagraj has been allotted to respondent no. 5.

ii. Issue writ, order or direction in the nature of mandamus directing the respondents to initiate re- allotment proceeding of fishery pond/plot no. 490 area 2.3050 hectare of Village Umari, Pargana Jhunsi, Tehsil Phulpur, District Prayagraj after due and proper propagation and adopting the allotment procedure provided under the law regarding its allotment."

3. Learned Standing Counsel has raised preliminary objection that against the grant of patta, the petitioner has an alternative remedy of filing appeal to the Collector, under Rule 59 of U.P. Revenue Code Rules, 2016.

4. In view of the same, I am not inclined to interfere in the matter.

5. Accordingly, the writ petition is **dismissed** with liberty to the petitioner to avail the alternative remedy as provided under the U.P. Revenue Code Rules, 2016.

Order Date :- 22.11.2023

Nitika Sri.

(Manish Kumar Nigam, J.)