

Court No. - 47

Case :- WRIT - C No. - 40246 of 2023

Petitioner :- Rajesh Kumar Patel

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

Counsel for Petitioner :- Sohan Lal Yadav,Alok Kumar Yadav

Counsel for Respondent :- C.S.C.

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:

"a). To issue a writ, order or direction in the nature of certiorari quashing the order dated 19.9.2023 the cancellation of allotment of pond to the petitioner passed by the respondent no.3.

b). To issue a writ, order or direction in the nature of mandamus commanding the respondent to issue the allotment letter of pond in favour of petitioner and allow to the petitioner to perform the work of pisciculture."

3. Contention of learned Counsel for the petitioner is that the lease granted to the petitioner has been cancelled on a complaint made by one Rekha Kumari. It has been further contended that S.D.M., Soraon, Prayagraj has no jurisdiction to cancel the lease and the power under Rule 59 of U.P. Revenue Rules, 2016 is lies with the Collector.

4. Learned Standing Counsel contended that in fact lease was never granted to the petitioner and the petitioner was only the highest bidder and has deposited the amount but no lease was granted to the petitioner and by the order impugned, only the application for grant of lease of the petitioner dated 22.11.2021 has been cancelled on the ground that the petitioner is not eligible for the allotment.

5. In view of the above, no illegality has been committed by the respondent-authorities. The finding recorded by the respondent authorities that the petitioner is not eligible, as he is resident of outside the village panchayat and the same has not been challenged by the petitioner in the writ petition.

6. Accordingly, the writ petition is **dismissed** with liberty to the petitioner in case auction is held, he may be entitled for participation, if he is eligible.

Order Date :- 1.12.2023

S. Singh