



2025:0004-1 04:29 1204

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 12244 of 2025

Manoj

.....Petitioner(s)

Versus

Addl. Collector Judicial, Hardoi And Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rajeeva Kumar Sinha
Counsel for Respondent(s)	:	C.S.C., Dilip Kumar Pandey

Court No. - 5

HON'BLE ALOK MATHUR, J.

1. Heard Sri Rajeeva Kumar Sinha, learned counsel for the petitioner as well as learned Standing Counsel for respondent nos. 1 to 3 and 6 and Sri Dilip Kumar Pandey, learned counsel appearing for respondent no. 5.
2. In the light of proposed order notice to private respondents is dispensed with.
3. Grievance raised in the present case pertains to allotment of Fishery rights in favour of respondent no. 8 by means of order dated 07.11.2022.
4. It has been submitted by learned counsel for the petitioner that auction notice dated 06.10.2022 was issued by the Additional District Magistrate, Sadar, Hardoi. On the basis of said notice, the Auction Officer - respondent no. 3 allotted Pond No. 1032/3041/1.3510 hectares by means of order dated 07.11.2022 in favour of respondent no. 8, for a period of ten years.
5. The petitioner being aggrieved by order dated 07.11.2022, filed an appeal before the Collector, Hardoi, which appeal has been dismissed by means of order dated 07.09.2025 and hence in the present writ petition the petitioner challenged the order of allotment dated 07.11.2022 as well as order dated 27.09.2025, passed by the Additional Collector (Judicial), Hardoi, rejecting the appeal of the petitioner.
6. It has been submitted by learned counsel for the petitioner that lease

has been granted without following procedure prescribed under Rule 57 of the U.P. Revenue Code Rules. It is submitted that entire proceedings are conducted in most illegal and arbitrary manner. He has submitted that as per Sub Clause 12 of Rule 57, the lease should have been given only for a period of five years, while in the present case lease has been given for a period of ten years. He has further submitted that there should have been due publication and prior publicity of the said auction proceedings, but no such publication was made and therefore for the aforesaid reasons the order dated 07.11.2022 is illegal and arbitrary and deserves to be set aside.

7. Learned Standing Counsel on the other hand has opposed the writ petition. He has submitted that an appeal against auction was preferred by the petitioner after a period of three years while such an appeal could have been filed within 30 days.

8. The petitioner has stated that he was not aware and did not had any knowledge about the said auction and therefore he could not file appeal within the time prescribed, and therefore the appeal was filed with a delay of about three years.

9. Opposing the said argument it has been submitted by learned Standing Counsel that petitioner and respondent no. 8 reside in same village and even as per report of the revenue officials which has been filed by the petitioner himself annexed as Annexure-5 to the writ petition, it has been clearly stated that notice was published in the local news papers and the fact of publicity was given before conducting the said auction.

10. Apart from the above, learned counsel for the respondents have also submitted that Clause 12 of the Rule 57 of the U.P. Revenue Code Rules was duly amended on 26.10.2016 by the U.P. Revenue Code (IInd Amendment) Rules, 2016 and period of five years was amended to ten years and consequently, after the amendment auction can validly be given for a period of ten years. Accordingly, it was prayed by the respondents that writ petition be dismissed.

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

12. With regard to period of limitation this Court do not find any infirmity in the order passed by the Additional District Magistrate (Judicial)/appellate authority, inasmuch as, any person who has been granted fishery rights, certainly has to make huge investments with regard to seeds and upkeep of the pond and any person who is aggrieved has to file an appeal within 30 days or any reasonable period thereafter.

13. Apart from the above, considering the fact that petitioner also belongs to same village and claims to be involved in fishery it is not believable that petitioner would not have known about grant of fishery rights in favour of respondent no. 8.

14. Apart from the above, this Court do not find any satisfactory explanation for the long delay of three years in filing present writ petition. Apart from the above, this Court finds that as per report of revenue officials, due publication was also made prior to the said auction and therefore for the aforesaid reasons this Court is not inclined to interfere in the impugned order dated 27.09.2025.

15. In the light of above, present writ petition being devoid of merits is **dismissed**.

(Alok Mathur,J.)

December 16, 2025

A. Verma