2026:AHC:189722

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 4076 of 2026

Ram Dulare

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Girish Vishwakarma
Counsel for Respondent(s)	:	C.S.C., Sudhir Bharti

Court No. - 51

HON'BLE ARUN KUMAR, J.

1. Heard Sri Girish Vishwakarma, learned counsel for the petitioner and learned Standing Counsel for the State respondent nos. 1 to 4. Sri Sudhir Bharti, Advocate has accepted notice on behalf of respondent Gaon Sabha.

2. The present petition has been filed challenging the auction proceeding scheduled to be held on 11.09.2026 in respect of plot no. 362 recorded as Pond in the revenue records relating to Village Belawa Bujurg Tappa Kathara, Tehsil Sadar, District Maharajganj.

3. It is contended by the learned counsel for the petitioner that by the order of the Additional District Magistrate (Judicial), Maharajganj, dated 13.06.2026, the fishery lease granted in favour of petitioner in pursuance of the auction held on 10.01.2023, as approved by the Deputy District Magistrate, Sadar, Maharajganj, dated 28.03.2023, has been cancelled. The petitioner has already challenged the order dated 13.06.2026 in revision before the Board of Revenue, U.P. at Prayagraj, which is pending consideration since 12.08.2026, in which the first date fixed is 14.09.2026. It is also submitted that the revision was filed within the prescribed period of limitation, but as the first date on the revision has been fixed after one month, it could not be taken up, and now the auction of plot in question has been scheduled on 11.09.2026, which is required to be stayed till the disposal of the aforesaid revision.

4. Learned counsel for the petitioner further argues that as the petitioner

has invested huge amount in development of pond and put fries in it by making investment, his eviction from the plot in question would cause irreparable loss to him. It is further submitted that as the stay application filed alongwith revision is going to be considered on 14.09.2026, till then auction proceeding may be stayed.

5. I have considered the submissions made by learned counsel for the petitioner and perused the record.

6. Considering the fact that the petitioner had challenged the order cancelling his fishery lease in revision before the Board of Revenue, well within prescribed period of limitation and having utilized the pond allotted to him by putting fries in it, a legitimate right has been created in his favour, which requires to be considered in light of huge investment made by him. However, interfering in the auction proceeding or making any observation on merits of the case would preempt the orders to be passed by the respondent no. 2 in revision. It would not be appropriate to interfere with the matter, at this stage.

7. As the petitioner has already challenged the order dated 13.06.2026 in revision before respondent no. 2, which is listed on 14.09.2026, the present petition is disposed of with direction to the respondent no. 2 to hear and pass necessary order on the stay application filed by the petitioner alongwith Revision No.3694 of 2026 on the next date fixed before it. It is further clarified that if any auction proceeding is held on 11.09.2026, pursuant to notification dated 13.08.2026, it shall not be finalized in respect of the plot in question.

(Arun Kumar,J.)

September 10, 2026
Ashok Kr.

Digitally signed by :-
ASHOK KUMAR
High Court of Judicature at Allahabad