

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1643 of 2013**

- Vinay Machhuwa Sahakari Samiti Through Its President Bahalu S/o Lt Jeev Ram Dhivar, Age 58 Yrs, R/o Vill Nagpura, Po Nagpura, Ps Pulgaon, Civil & Revenue Distt Durg, Cg

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Fish And Agriculture, Mahanadi Bhawan, New Mantralaya, Raipur, Distt Raipur, Cg
2. Collector Distt Durg, Cg
3. Deputy Director Fisheries District Durg, Cg
4. Chief Executive Officer Janpad Panchayat, Durg, Distt Durg, Cg
5. Officer In Charge Agriculture And Fisheries Samiti, Janpad Panchayat, Durg, Distt Durg, Cg
6. Gram Vikash Machhuwa Sahkari Samiti, Borai Borai, Distt Durg, Cg
7. Assistant Registrar Cooperative Societies, Durg, Tah & Distt Durg, Cg
8. Sarpanch Gram Panchayat Ganiyari, Block, Tah & Distt Durg, Cg

---- Respondents

For Petitioner	:	Shri BP Singh, Advocate
For Respondents-State	:	Shri Bhaskar Payashi, PL for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****05/01/2016**

1. The matter pertains to grant of lease of fishing rights over Ganiyari Tank, Nagpura, district Durg. The said lease has been granted to respondent No.6 Gram Vikash Machhuwa Sahkari Samiti, Borai, Distt Durg, CG, by issuing a lease deed by Janpad Panchayat, Durg under approval from the Collector

on 16-8-13. At the time when the proposal for approval was pending before the Collector, the petitioner had preferred WPC 1059/13, which was dismissed as withdrawn on 1-8-13 with liberty to take up the issue at the relevant time, when the final order is passed.

2. In the present petition, the petitioner would assail the order passed by the Deputy Director Fisheries, district Durg on 31-8-13, whereby petitioner's application for grant of stay for finalization of the lease proceedings has been rejected. Since in the impugned order itself it is mentioned that the lease has already been granted by the Janpad Panchayat, Durg under approval from the concerned Collector on 16-8-13, the issue raised before this Court has been rendered infructuous. Accordingly, the writ petition is disposed of as having become infructuous, however, the petitioner would be at liberty to challenge the lease granted to respondent No.6 by filing appropriate proceedings before the jurisdictional authority under the relevant government instructions within a period of one month from today. If any such proceeding is preferred by the petitioner, the concerned authority shall decide the same, on its own merits without being influenced by the reasons assigned in the order Annexure P-1.

Sd/-
Judge
Prashant Kumar Mishra

ashu