

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 615 of 2020**

Laxmi Swa- Sahayata Samooh Through Its President, Smt. Nirupama Bai,  
W/o Shri Tishwar Gond, Aged About Years, R/o Village Keshritola,  
Tahsil Ambagarh Chowki, District Rajnandgaon Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Fishries, Mahanadi Bhawan, Naya Raipur Chhattisgarh.
2. The Collector Rajnandgaon, District Rajnandgaon Chhattisgarh.
3. Assistant Director Fishries, Rajnandgaon, District Rajnandgaon Chhattisgarh
4. Chief Executive Officer Janpad Panchayat, Ambagarh, Chowki, District Rajnandgaon Chhattisgarh.
5. Tahsildar Ambagarh Chowki, District Rajnandgaon Chhattisgarh
6. Annapurna Juresiya R/o Village Keshritola, District Rajnandgaon Chhattisgarh.
7. Gram Panchayat Pangri Through Its Secretary, Block Ambagarh Chowki, District Rajnandgaon Chhattisgarh

**----Respondents**

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|---------------------------------------|----------------------------|
| For Petitioner                        | : Shri Punit Ruparel, Adv. |
| For State/ Respondents No. 1,2, 3 & 5 | : Shri Ishan Verma, P.L.   |

**Hon'ble Shri Justice P. Sam Koshy****Order on Board****12/02/2020**

1. The grievance of the petitioner is that petitioner has been granted lease for a pond in Khasra No. 371, Rakba 0.761, situated at village Bhadsena, Distt. Rajnandgaon. The lease amount is Rs. 1600/- per year for a period of 10 years starting from 16.01.2019 to 15.06.2028.
2. Pursuant to the lease being executed in favour of the petitioner, they have made huge investment and started fishing activities in the said pond. However, subsequently, on a complaint being made by the respondent No. 6, some enquiry has been conducted or is contemplated and in the course of investigation, the respondents

have also instructed the petitioner not to carry out any fishing activity in the said pond.

3. Counsel for the petitioner submits that, the petitioner has duly executed/issued lease in his favour and the petitioner has also made huge investment on the said pond. Therefore, till the enquiry is complete after giving a fair and reasonable opportunity of hearing to the petitioner, the respondents may not be restrained from carrying out fishing activities.
4. The State Counsel on the other hand submits that from the records available with the writ petition, it does not seem that there is any prohibitory order passed against the petitioner except for the enquiry which is contemplated.
5. Given the said submission made by the Counsel for the parties, this Court is of the opinion, that the writ petition itself can be disposed of, directing the respondent-authorities to proceed further with the enquiry complying with the principle of natural justice by granting a fair and reasonable opportunity of hearing to the petitioner. Till a final decision is taken on the said enquiry, the petitioner shall be permitted with the fishing activities in the said pond without interruption.
6. With the aforesaid observations, the writ petition stands disposed of.

Sd/-

**(P. Sam Koshy)**  
**Judge**