PRIYANKA VERMA
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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4663 of 2025

1 - Umradah Machhua Co-Operative Society Limited, Umardah District Balod (C.G.) Reg No. 2131 Through Its Vice Chairman, Mohan Nishad, S/o Late Shri Madanlal Nishad, Aged About 55 Years, R/o Village Umardah, Post Belmand, Tehsil And District Balod (C.G.)

... Petitioner

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Panchayat And Rural Development, Vikas Bhawan, Atal Nagar, Naya Raipur, Raipur (C.G.)

2 - Gram Panchayat Vill. Belmand, Through Secretary, Gram Panchayat Belmand, District Balod (C.G.)

3 - The Department Of Fisheries Through Assistant Director, Sivni Balod, District Balod (C.G.)

4 - The Collector Balod, District Balod (C.G.)

5 - Chief Executive Officer Janapad Panchayat Balod District Balod (C.G.)

6 - Kalyan Matsya Sahkari Samiti Village Bhediya Navagaon, District Balod (C.G.)

7 - The Deputy Commissioner Co Operative Societies District Balod (C.G.)

... Respondents

For Petitioner	:	Mr. Harshal Chouhan, Advocate
For Respondent No.6	:	Mr. Syed Majid Ali, Advocate
For State	:	Ms. Akanksha Verma, PL

Hon'ble Shri Justice Amitendra Kishore Prasad

Order on Board

05/10/2026

1. The petitioner, in this Writ Petition, has prayed for the following reliefs:-

> *“10.1 To call for the records of the case for the kind perusal of this Hon'ble Court.*
> *10.2 To issue an appropriate writ or order quashing the resolution dated 17.07.2025 (AnnexureP/6) passed by the Res.No.2.*
> *10.3 To issue an appropriate writ or order restraining Res.No.2 from executing agreement with the Res.No.6.*
> *10.4 Any other relief deemed fit in the facts and circumstances of the case may also be granted.”*

2. Learned counsel appearing on behalf of respondent No.6 has raised a preliminary objection as to the maintainability of the present petition on the ground that the petitioner has an efficacious alternative remedy available under the law. He submits that in WPC No.2160/2021, this Court has already considered the aforesaid aspect and relegated the petitioner to approach the concerned Sub-Divisional Officer (Revenue) by way of a statutory appeal.

3. At this stage, learned counsel for the petitioner submits that, since an efficacious alternative remedy is available under the law, the petitioner is willing to approach the concerned SDO (Revenue) by filing an appeal. He submits that the earlier order has been passed behind the back of the petitioner and, therefore, the concerned authority may be directed to consider the case of the petitioner after providing him due opportunity of hearing and thereafter pass an appropriate order in accordance with the New Fisheries Policy, 2022.

4. Learned State counsel has no objection if such a limited order is passed. She submits that the concerned authority is under an obligation to provide due opportunity of hearing to the petitioner and to pass an appropriate order in accordance with the New Fisheries Policy, 2022.

5. Learned counsel appearing for respondent No.6 also has no objection if the concerned SDO (Revenue) provides due opportunity of hearing to the petitioner as well as respondent No.6, considers the New Fisheries Policy, 2022, and thereafter passes an appropriate order in accordance with law.

6. Considering the aforesaid aspects of the matter, since an efficacious alternative remedy is available to the petitioner under the law and all the parties have agreed to abide by the order that may be passed by the concerned SDO (Revenue) after providing them proper opportunity of hearing, this Court is of the view that the matter may appropriately be considered by the concerned authority. The principles of natural justice are of paramount consideration while exercising jurisdiction under Article 226 of the Constitution of India. The principle of *audi alteram partem* is not an empty formality, but is required to be adhered to with due caution and in its true spirit. Once a person approaches the concerned authority, he/she is required to be afforded a fair and effective opportunity of hearing. The concerned authority is, therefore, under an obligation to provide due opportunity of hearing to each and every person who approaches the authority with a grievance.

7. Accordingly, the petition is disposed of with a direction to the petitioner to file an appropriate appeal before the concerned SDO (Revenue). In turn, the concerned SDO (Revenue) shall consider the appeal and, after providing due opportunity of hearing to the petitioner as well as respondent No.6, shall consider the New Fisheries Policy, 2022 and pass an appropriate order in accordance with law. Since the matter is pending since 2025, the concerned SDO (Revenue) is expected to pass an appropriate order preferably within a period of 60 days from the date of receipt of a copy of this order.

8. It is made clear that this Court has not expressed any opinion on the merits of the case.

9. With the aforesaid observations and directions, the present petition stands disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge

Priyanka