

**(2008) 12 AHC CK 0100**

**Allahabad High Court**

**Case No:** None

Indrajeet

APPELLANT

Vs

State of U.P.& Others

RESPONDENT

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**Date of Decision:** Dec. 11, 2008

**Hon'ble Judges:** Shishir Kumar, J

**Final Decision:** Allowed

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### **Judgement**

Shishir Kumar, J.

This writ petition has been filed against an order dated 20.12.2008 by which the Patta has been granted in favour of the respondents for fishing right without any publication and without any notice to the other villagers. The petitioner submits that it cannot be granted in view of the decision of the Full Bench of this Court, This Court has held that on the basis of such negotiation the Patta in favour of the any person cannot be granted. It has to be widely published in the newspapers and it should be pasted on the notice board and after due notice to the villagers on the basis of bids, it can be granted. But in the present case only on the basis of the application made by the respondents, the same has been granted for a period of ten years on Rs.500/ as a lease rent for a year.

I have heard the learned counsel for the petitioner and the learned Standing Counsel. Learned Standing Counsel is not in a position to rebut the criteria laid down by the Full Bench of this Court and is not able to assail the order passed by the respondents granting patta in favour of respondent no 4.

In view of the aforesaid fact without inviting any counter affidavit as the legal question is involved in the present writ petition, the writ petition is allowed and the order dated 20.11.2006 is hereby quashed. It is however, open to the district authorities to allot the fisheries right in accordance with law as laid down by this Court.

No order is passed as to costs.