



2026:AHC-LKO:40245-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 3398 of 2026

Badki

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Revenue Deptt.
Lko. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Atul Kumar Singh Gaur, Sushil Prakash Pandey
Counsel for Respondent(s)	: C.S.C., Mohan Singh

Court No. - 3

**HON'BLE JASPREET SINGH, J.
HON'BLE INDRAJEET SHUKLA, J.**

1. Heard learned counsel for the petitioner.
2. Notice on behalf of respondents no.1 to 4 has been accepted by the office of Chief Standing Counsel. Shri Mohan Singh, learned counsel has accepted notice on behalf of respondent no.5.
3. By means of the instant petition claims for following main reliefs:-

"(i) Issue a writ, order or direction in the nature of mandamus commanding/directing the opposite party no.2 to 4 to remove the illegal encroachment over the pond Gata no.405/1.163 Hect. situated at Village Rasoolpur Kala, Pargana -Rudauli, Tehsil Ramsanehighat, District Barabanki from the opposite party no.6, Ram Suresh and hand over the possession to the petitioner on the basis of lease granted by the opposite party no.3 and which was allotted to petitioner's husband for fish farming in auction, in the interest of justice.

(ii) Issue a writ, order or direction in the nature of mandamus commanding or directing the opposite parties to recover the compensation from opposite party no.6 for illegal encroachment over the pond, Gata No.-405/1.163 Hect. situated at Village Rasoolpur Kala, Pargana - Rudauli, Tehsil Ramsanehighat, District Barabanki which was allotted in favour of petitioner's husband Lakahn through auction."

4. Submission of the learned counsel for the petitioner is that she has a subsisting fisheries rights in respect of the pond, , Gata No.-405/1.163 Hect. situated at Village Rasoolpur Kala, Pargana - Rudauli, Tehsil Ramsanehighat, District Barabanki . It is the case of the petitioner that he has not been given the possession despite having fisheries rights, which are valid till 01.12.2026. It is, thus, urged that appropriate rights be passed so that the petitioner can be given the possession and illegal encroachment be removed.

5. Having considered the aforesaid submissions and from perusal of the material available on record it reveals that the husband of the petitioner, Lakhan had earlier approached this Court by means of Writ-C No.4572 of 2025 (Lakhan Vs. State of U.P. and others) whereby a coordinate bench of this Court by means of order dated 16.05.2025 had disposed of the aforesaid petition noticing the statement of the learned standing counsel for the State respondents indicating that the pond is lying vacant and it was free for the petitioner to exercise his fishing rights. It is the case of the petitioner that thereafter he attempted to seek the possession in August, 2025, however, the same has yet not been given.

6. Specific query was put to the counsel for the petitioner as to why he could not get the possession, it has been informed that actually the private respondent no.6, who is also from the lineage of a common ancestor of the petitioner is creating the nuisance.

7. In view of the aforesaid where there is a private dispute between the petitioner and the private respondent no.6, this Court cannot entertain a writ petition as it involves disputed questions and moreover, the petitioner can approach the appropriate Court for ventilating his grievance against opposite party no.6.

8. In the given facts and circumstances, where the statement of the State that they are not interfering nor they are creating any impediment in the rights of the petitioner to undertake the fishery operations apparently, the State has no role to play, hence, no direction can be issued. The dispute, if any, appears to be between the petitioner and the respondent no.6, which can be agitated through appropriate means in the regular court.

9. In view of the aforesaid, this Court is not inclined to entertain this petition leaving it open for the petitioner to get his rights adjudicated in accordance with law.

10. With the aforesaid observation, the petition stands disposed of.

(Indrajeet Shukla,J.) (Jaspreet Singh,J.)

June 4, 2026
S.P.