



2026:AHC-LKO:22347

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**WRIT - C No. - 3022 of 2026**

Matsya Jeevi Sahkari Samiti Ltd., Barabanki Thru.  
President Shri Shiv Raj Rawat

.....Petitioner(s)

Versus

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

.....Respondent(s)

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| Counsel for Petitioner(s) | : Rakshit Raj Singh, Ayush Agarwal |
| Counsel for Respondent(s) | : C.S.C., Mohan Singh              |

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**Court No. - 6**

**HON'BLE PANKAJ BHATIA, J.**

1. Supplementary affidavit filed by Shri Rakshit Raj Singh, learned counsel for the petitioner is taken on record.
2. Heard learned counsel for the petitioner, Shri Mohan Singh, learned counsel for the Gaon Sabha, who appears for the respondent no. 5 and learned Standing Counsel.
3. The present writ petition has been filed, challenging an order dated 03.02.2026, whereby the appeal preferred by the petitioner under Rule 59 of the U.P. Revenue Code Rules has been dismissed.
4. The facts in brief are that the petitioner was allotted a fisheries lease in accordance with the mandate of Rule 58 of the U.P. Revenue Code Rules. Subsequently, an order came to be passed cancelling the said lease deed on allegations that there was violation of the conditions of the lease.
5. Upon the petitioner being served, in response to the show-cause notices issued to the petitioner, alleging violation of the conditions of the lease, the petitioner had preferred detailed objections, denying the said allegation. However, despite the same, an order came to be passed on 24.10.2025, cancelling the lease granted to the petitioner for a period of ten years.
6. It is argued that aggrieved with the said cancellation, the petitioner

approached this Court by filing Writ C. No. 11038 of 2025, in the said writ petition, the counsel for respondent(s) had taken a preliminary objection that an appeal is prescribed under Rule 59 of the U.P. Revenue Code Rules 2016, and upholding the said preliminary objection, the writ petition was dismissed as not maintainable, giving liberty to the petitioner to approach and prefer an appeal in terms of the mandate of Rule 59. The said order came to be passed on 30.11.2025. In pursuance to the liberty granted, the petitioner preferred an appeal under Rule 59 of the said rules. In the said rules, a preliminary objection was taken that the appeal was not maintainable, and upholding the said objection, the appeal came to be dismissed as being not maintainable.

7. Challenging the said order, learned counsel for the petitioner, Shri Rakshit Raj Singh, argues that there can't be any wrong without a remedy. For the present case, despite the cancellation of the lease without even considering the objections filed by the petitioner as is evident from the order of cancellation passed on 24.10.2025, initially the petitioner had approached this court by filing a writ petition which was dismissed on the ground of alternative remedy, and now in the alternative remedy, the respondents have taken a stand which is contrary to the stand taken before this Court while Writ C No. 11038 of 2025 was being decided and both the preliminary objections raised at the time of decision of Writ C No. 11038 of 2025 and the decision dated 03.02.2026, a contradictory stand was taken which has resulted in denial of rights of the petitioner to challenge the illegal order of cancellation.

8. It is further argued that after the writ petition was filed, the constructions made by the petitioner in furtherance of the lease granted to him have been demolished, thus the petitioner has been subject to harassment because of the contradictory stands taken before the two forums, first being this Court while deciding Writ C No. 11038 of 2025 and the second being the appellate forum which resulted in the dismissal of the appeal on 03.02.2026.

9. Both the parties, agree that the law is fairly well-settled that an appeal is prescribed under Rule 59, reliance is placed upon the judgment of this

Court in the case of **Rajat Chaudhary vs. State of U.P. and 2 others** passed in **Writ C No. 25723 of 2022**, **Ramu alias Rajesh vs. State of U.P.** passed in **Misc. Bench No. 4185 of 2021** and **Chandan Kashyap vs. State of U.P and 4 others** passed in **Writ C No. 13610 of 2023**, whereas this Court had the occasion to interpret Rule 59, to hold that an appeal is prescribed in terms of Rule 59.

10. Considering the common ground inter-se between the parties that an appeal is prescribed, the order impugned dated 03.02.2026 cannot be sustained and as such the same is set aside.

11. The matter is remanded to the appellate authority to hear and decide the appeal on merits afresh without expedition, preferably within a period of six weeks from today.

12. Any interim application filed by the petitioner in the pending appeal shall also be disposed of within a period of one week of the same being filed.

13. It is clarified that the appeal shall be decided on merits and shall not be decided on the same ground of maintainability.

14. It will be open to the petitioner to obtain the reports based upon which the order dated 24.10.2025 was passed. In case, such an application is filed before the appellate authority, the documents which are the foundation for passing the order dated 24.10.2025 shall be made available.

15. With the aforesaid, the writ petition stands **disposed** of.

**(Pankaj Bhatia,J.)**

**March 31, 2026**

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