



2026:CGHC:12778



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NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### WPC No. 1128 of 2026

Smt. Rekha Devi Jhalariya W/o Shri Sarvan Prasad Jhalariya Aged About 37 Years  
Sarpancha Village Panchayat Budena, Tahsil- Nawagarh, Civil And Revenue  
District- Janjgir-Champa (C.G.)

... **Petitioner**

**versus**

- 1** - State Of Chhattisgarh Through- The Secretary, Department Of Agriculture And Fisheries, Mahanadi Bhawan, New Raipur, Civil And Revenue District- Raipur (C.G.)
- 2** - The Director Department Of Fisheries, Indrawati Bhawan, New Raipur, Civil And Revenue District- Raipur (C.G.)
- 3** - The Assistant Director Department Of Fisheries, Janjgir, Civil And Revenue District- Janjgir-Champa (C.G.)
- 4** - The Assistant Fisheries Officer Cum Fish Inspectro Block- Nawagarh, Civil And Revenue District- Janjgir-Champa (C.G.)
- 5** - The Collector Janjgir, Civil And Revenue District- Janjgir-Champa (C.G.)
- 6** - The Sub Divisional Officer (Rev.) Janjgir, Civil And Revenue District- Janjgir-Champa (C.G.)
- 7** - The Chief Executive Officer Zila Panchayat Janjgir, Civil And Revenue District- Janjgir-Champa (C.G.)
- 8** - The Chief Executive Officer Janpad Panchayat Baloda, Civil And Revenue District- Janjgir-Champa (C.G.)
- 9** - Rajeshwar Kashyap S/o Manohar Lal Kashyap Aged About 36 Years Ex-Sarpanch, Gram Panchayat-Budena, Tahsil- Nawagarh, Civil And Revenue District- Janjgir-Champa (C.G.)
- 10** - Ramnarayan Kashyap S/o Shri Sundar Lal Kashyap Aged About 51 Years Caste- Kurmi, Secretary, Village Panchayat-Budena, Tahsil- Nawagarh, Civil And Revenue District- Janjgir-Champa (C.G.)
- 11** - Apna Machhuwara Swa Sahayata Samuh Through The President Shivdayal Yadav S/o Mohan Lal Yadav, Aged About 45 Years, Caste- Yadav, R/o Village-Budena, Tahsil- Nawagarh, Civil And Revenue District- Janjgir-Champa (C.G.)



... Respondents

{Cause title, as taken from CIS}

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|-------------------------|---|---------------------------------------|
| For Petitioner          | : | Mr. P.M. Shrivastava, Advocate.       |
| For Resp. Nos. 1, 5 & 6 | : | Mr. Saumitra Kesharwani, Panel Lawyer |

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{Hon'ble Mr. Justice Naresh Kumar Chandravanshi}

**Order on Board****17/03/2026**

1. Instant writ petition under Article 226 of the Constitution of India has been preferred by the petitioner seeking following reliefs :-

“10.1 That, the Hon'ble Court may kindly be pleased to call the entire record from the respondent authorities.

10.2 That, the Hon'ble Court may kindly be pleased to direct the concerned Respondent authorities may be given proper opportunity of hearing to the petitioner prior to the completion of the lease proceedings of Bhanautha Talab and Amha Talab which are situated at Village-Budena Tahsil-Nawagarh, District-Janjgir-Champa (C.G.)

10.3 That, the Hon'ble Court may kindly be pleased to direct the concerned Respondent authorities may be given proper opportunity of hearing to the petitioner and restricted to the respondent No. 11 from cultivation of fish farming from the Paithu Talab and Nanaki Nawa Talab which are situated at Village-Budena Tahsil-Nawagarh, District-Janjgir-Champa (C.G.)

10.4 That, the Hon'ble Court may kindly be pleased to direct the concerned Respondent authorities may not be disturb/interference to the possession of petitioner from the entire Talab/Pond of situated at Village Panchayat-Budena,



District-Janjgir-Champa (C.G.) and nothing restricted any Villagers to use from the said Ponds.

10.5 Any other relief, which may be deemed, fit by this Hon'ble Court just and proper in the facts and circumstances of the case may also be provided in favour of the petitioner.

2. Learned counsel appearing for the petitioner submits that the petitioner is a Sarpanch of village Panchayat Budena elected in the year 2025. Prior of her election, earlier Gram Panchayat has passed resolution and issued advertisement for grant of lease of Bhanautha Talab, Amha Talab, Paithu Talab and Nanki Nawa Talab situated at Village Budena, Tahsil-Nawagarh, District Janjgir-Champa (C.G.). He further submits that on the basis of said proposal passed by earlier Village Panchayat after following due process of law, agreement has been executed between respondents No. 10 & 11 for fish forming of 'Paithu Talab' and 'Nanaki Nawa Talab'. It is next submitted that the as the agreement has not been executed in respect of 'Bhanautha Talab' and 'Amha Talab', Office bearer of new Village Panchayat has passed resolution on 22.9.2025 raising objection not to execute lease deed in respect of 'Bhanautha Talab' and 'Amha Talab'. He next submitted that, at this stage, this petition may be disposed of restraining respondents to pass any order in respect of grant of lease pertaining to 'Bhanautha Talab' & 'Amha Talab'.

3. Learned counsel for the respondents/State conceded the fact that lease agreement has been executed between respondents No. 10 & 11 in respect of 'Paithu Talab' and 'Nanaki Nawa Talab', but lease has not executed in respect of 'Bhanautha Talab' & 'Amha Talab', however, the same is under consideration.

4. Having considered the facts as projected by the petitioner, documents annexed with the writ petition and further considering the contention putforth by counsel for the petitioner, it is directed that since the lease agreement has been executed between respondents No. 10 & 11 in respect of 'Paithu Talab' and 'Nanaki



Nawa Talab', therefore, this Court is not inclined to pass any order in respect of aforesaid two ponds i.e. 'Paithu Talab' and 'Nanaki Nawa Talab', however, since lease has not been executed in respect of 'Bhanautha Talab' & 'Amha Talab' and newly elected village panchayat has passed resolution dated 22.9.2025 not to execute such agreement, therefore, it is directed that if any proceedings have been initiated by the State authorities in this regard, they be restrained from initiating further proceedings and they be given liberty to initiate fresh proceedings after obtaining proposal from the present Gram Panchayat of Budena in this regard.

5. With the aforesaid observations & directions, this petition stands disposed of.
6. Pending interlocutory application (s), if any, stands (s) disposed of.

Sd/-  
(Naresh Kumar Chandravanshi)  
Judge