

Court No. - 52

Case :- WRIT - C No. - 19026 of 2020

Petitioner :- Vinod Mishra

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Vishal Tandon

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Srivastava,J.

1. Heard Shri Vishal Tandon, learned counsel for the petitioner and Shri Raj Kumar Singh, learned Standing counsel for the State-respondents.

2. It is the case of the petitioner that being the single bidder, the auction for fisheries has ready been finalized in his favour in pursuance to advertisement dated 02.08.2019, wherein, the auction was fixed for 26.09.2019 and thereafter the auction was conducted on 11.10.2019 by the authority concerned, wherein, the petitioner made bid of Rs.1,50,000/- and the same was accepted and the petitioner deposited 25% in shape of Rs.3,75,000/- on 11.10.2019.

3. The petitioner also deposited the rest of the bid amount i.e. Rs.1,12,500/- on 24.10.2019 and the receipt of the same has been appended along with the instant petition as Annexure Nos.4 & 5.

4. Petitioner started bidding fishes in the said pond situated at plot no.313 having an area of 1.469 Hectares.

5. After near about six months through notice dated 20.04.2020, petitioner came into knowledge that the auction which has already been finalized in favour of the petitioner has now been cancelled by the respondent no.2 after precise enquiry has been transpired, both the reports have been submitted by the respondent no.3 on 20.03.2020 specific order has been passed by the respondent no.2 that in absence of any wide publicity of information with regard to auction in shape of "Munadi", the same was cancelled on 21.03.2020, which impugned the present petition.

6. Learned counsel for the petitioner substantiated his argument with the publication of information regarding auction in Hindi Daily Newspaper and as such, the stand taken up by the respondent no.2 is not at all tenable in the eye of law for cancelling the auction, which has already been finalized in favour of the

petitioner.

7. *Per contra*, learned Standing counsel has vehemently opposed the prayer as made in the petition as also stand taken by learned counsel for the petitioner on the basis of the counter affidavit preferred on behalf of respondent nos.2,3 & 4.

8. After perusal of the counter affidavit, the specific paragraph mentioned in the writ petition as para no.9, wherein publication of the auction date has been appended in the shape of extract of the Daily Hindi Newspaper. The same has been replied in the counter affidavit preferred by the respondent nos.2,3 & 4 under para 10 but there is no specific denial and as such, the same has been taken as an information submitted by the petitioner are true to the facts and as such, the basis of cancelling the auction is not at all sustainable. Since, the wide information has already been published in the wide publication of the Hindi Daily Newspapers and the auction determined and proceeding in favour of the petitioner cannot only be cancelled on the ground that wide information in shape of "Munadi" has not been carried out.

9. In view of the aforementioned facts and circumstances, the order dated 21.03.2020 is hereby set aside.

10. The writ petition stands allowed, accordingly.

Order Date :- 18.10.2023

RKM