

Court No. - 40

Case :- WRIT - C No. - 32385 of 2023

Petitioner :- Matsya Jivi Sahkari Samiti Ltd. Katri

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Sanjeev Kumar Saxena

Counsel for Respondent :- C.S.C.,Prabhakar Awasthi

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioner and Sri Devesh Vikram, learned Additional Chief Standing Counsel for the State-respondents. Sri Prabhakar Awasthi, Advocate has accepted notice on behalf of the respondent no.7.

2. The writ petition was entertained on 03.10.2023 and this Court had passed a detailed order with following observations.

"1. Shri Prabhakar Awasthi has filed Vakalatnama on behalf of respondent no.7. Supplementary Affidavit is also filed today. Both the documents be taken on record.

2. Heard Shri Sanjeev Kumar Saxena, learned counsel for the petitioner, Shri Ambrish Shukla, learned Additional Chief Standing Counsel for the State respondents and Shri Prabhakar Awasthi, learned counsel for respondent no.7.

3. The Present writ petition is preferred seeking following reliefs:-

"(i). issue a writ, order or direction in the nature of certiorari quashing the entire auction proceeding regarding the advertisement dated 22.07.2023.

(ii). issue a writ, order or direction in the nature of mandamus commanding the concerned respondents to conduct the fresh auction.

(iii). issue a writ, order or direction in the nature of mandamus commanding the concerned respondent not to confirm the patta of the respondent no. 6. "

4. Learned counsel for the petitioner vehemently submitted that the alleged auction proceeding is an eye wash. He has placed reliance upon the first information report, which was lodged by Shri Sunil Singh, Fisheries Development Officer, Manjhanpur, Kaushambi against the petitioner on 04.09.2023. In the said first information report it is alleged that on 04.09.2023 on account of intervention by the petitioner, the auction could not taken place and the same was deferred. On the other hand, the claim has been set up that the alleged auction took place on 04.09.2023 itself.

5. On account of said contradiction, we deem it appropriate let the District Magistrate, Kaushambi may file response in the matter indicating therein that on what date the alleged auction took place and further on which date the Competent Authority had approved the said auction proceeding.

6. Put up this matter as fresh on 12th October, 2023. "

3. In response thereof, learned Additional Chief Standing Counsel has placed detailed instructions dated 11.10.2023 sent by District Magistrate, Kaushambi, which is taken on record.

4. Learned Additional Chief Standing Counsel, on the basis of instructions, submits that on the date of auction proceeding, only two societies were in fray and in view of the Government Order dated 10.1.2019, the society had to deposit 25 percent of minimum reserved price at the said juncture. The petitioner-society at serial no.1 had shown its inability to deposit 25 percent of minimum reserved price, whereas, the other society at serial no.2 had deposited the said amount in view of the aforesaid Government Order and finally, the auction dated 04.09.2023 was approved in its favour for Lot No.1 on the same date. Thereafter, the auction was also held on 04.09.2023 for Lot Nos.2 to 5 of Yamuna River under Tehsil Manjhanpur and the same was also settled in favour of the Society at serial no.2. Therefore, the auction for Lot Nos.1 to 5 was held strictly in accordance with law and the same was settled in favour of the Society at serial no.2. Regarding conduct of the petitioner-society, various other objections are also placed along with instructions.

5. Considering the facts and circumstances of the case and in view of the aforesaid instructions, we are not inclined to proceed further in the matter.

6. The writ petition sans merit and is accordingly dismissed.

Order Date :- 24.11.2023

A.K.Srivastava