

Court No. - 47

Case :- WRIT - C No. - 32944 of 2023

Petitioner :- Durgesh

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

Counsel for Petitioner :- Mahesh Kumar Dubey

Counsel for Respondent :- C.S.C., Dinesh Yadav

Hon'ble Manish Kumar Nigam, J.

1. Instructions placed by learned Standing Counsel is taken on record.
2. Heard learned Counsel for the parties and perused the record.
3. The present petition has been filed for the following relief :

"1. Issue a writ order or direction in the nature of Mandamus direct the Respondents to issue the Certificate of Fisheries Lease over Plot No.1196 situate in Village Khaligarh, Tehsil Nautanwa, District Maharajganj, in favour of petitioner in pursuance of auction dated 30.6.2023.

2. Issue a writ order or direction in the nature of Mandamus to direct the Respondent No.3 to decide the Representation dated 14.9.2023 filed by the petitioner before the respondent no.3.

3. Issue a writ order or direction in the nature of Mandamus to direct the respondents not to again auctioned the pond i.e. plot No.1196, area 1.319 Hect situate in Village Khaligarh, Tehsil Nautanwa, District Maharajganj in favour of another person."

4. By the order dated 5.10.2023, learned Standing Counsel was granted time to obtain instructions. Today, on the basis of instructions, learned Standing Counsel states that the auction in question has been cancelled on 28.08.2023. In view of fact that the petitioner was only the highest bidder in the auction, no rights were created in his favour and that the auction itself has been cancelled by the respondent-authorities, no relief can be granted to the petitioner at this stage.

5. Accordingly, the present petition is **dismissed** with liberty to the petitioner to participate in the auction as and when are held by the respondent authorities. So far as the money deposited in pursuance of the auctions which has already been cancelled, the petitioner may seek refund of the same, if so advised and in case such an application is made the amount deposited by the petitioner may be returned to the petitioner within a period of two weeks from the date the petitioner make such application

Order Date :- 16.10.2023/S. Singh