

Court No. - 32

Case :- WRIT - C No. - 34567 of 2023

Petitioner :- Manphool Singh

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

Counsel for Petitioner :- Mukesh Kumar, Rishabh Srivastava

Counsel for Respondent :- CSC

Hon'ble Salil Kumar Rai, J.

Hon'ble Surendra Singh-I, J.

Heard the counsel for the petitioner, Ms. Kirtika Singh, the Additional Chief Standing Counsel representing the respondent nos. 1 and 4 and Sri Kartikey Saran, Advocate representing the Prayagraj Mela Authority and its officers impleaded as respondent nos. 2 and 3.

The petitioner in the present petition claims to be aggrieved by the different notices issued to him regarding Shop Nos. Q-10, P-5 and M-12 situated in the Magh Mela area in District Prayagraj. The petitioner was the highest bidder of all the three shops but it has been stated in the petition that the petitioner was given possession only of Shop Nos. Q-10 and P-5 but was not given possession of Shop No. M-12 as he could not deposit the 25% amount that was required to be deposited when his bid was accepted by the concerned officer.

It was argued by the counsel for the petitioner that in the aforesaid circumstances, the notices issued to the petitioner claiming any amount regarding Shop No. M-12 is illegal and contrary to law. Though in his pleadings, the petitioner also alleges illegalities in the notice issued regarding Shop Nos. P-5 and Q-10 but during the course of argument, Sri Mukesh Kumar, the counsel for the petitioner does not press his grievances in relation to the notices regarding Shop Nos. P-5 and Q-10 and presses for relief only against the notice issued regarding Shop No. M-12. It has been stated that different recovery citations have also been issued as a consequence of the notices issued regarding Shop Nos. P-5 and Q-10 but the counsel for the petitioner states that the petitioner is aggrieved only against the recovery certificate / citation issued in relation to Shop No. M-12.

It has been stated in the petition that notices issued to the petitioner for recovery of the amount allegedly due against him in relation to

Shop No. M-12 has been issued without giving any opportunity of hearing to the petitioner and without any opportunity to the petitioner to present against the same, the authorities are proceeding to recover the amount stated in the recovery notice dated 26.4.2023. It has also been stated that the petitioner has filed a representation dated 31.5.2023 in relation to Shop No. M-12

A perusal of the representation filed by the petitioner shows that the said representation refers not only to Shop No. M-12 but also the two Shop Nos. P-5 and Q-10. As noted earlier, the counsel for the petitioner has already stated that he does not press the petition regarding Shop Nos. P-5 and Q-10.

In view of the aforesaid, the petition is disposed of with a direction to the Mela Adhikari, Prayagraj Mela Authority, Prayagraj that in case, the petitioner makes a fresh representation only in relation to Shop No. M-12, the same shall be decided by the Prayagraj Mela Authority, Prayagraj within a period of fifteen days from the filing of representation and appropriate action, in accordance with law, shall be taken by the Mela Adhikari within the next period of one month depending on the decision taken by the Mela Authority on the representation of the petitioner.

With the aforesaid direction, the writ petition is ***disposed of***.

It is clarified that this Court has not expressed any opinion regarding the merits of the claim made by the petitioner in relation to Shop No. M-12 and in view of the fact that the petitioner has not pressed the present petition in relation to Shop Nos. P-5 and Q-10, the Prayagraj Mela Authority shall proceed with recovery of the due amount from the petitioner as stated in the different notices issued regarding Shop Nos. P-5 and Q-10.

Order Date :- 16.10.2023
Satyam