

Court No. - 52

Case :- WRIT - C No. - 38985 of 2023

Petitioner :- Mohd Tajeem

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Gayatri Sharma

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Srivastava,J.

1. Heard Ms. Gayatri Sharma, learned counsel for petitioner and Sri Vinod Kumar Rai, learned Standing Counsel for the State-respondent nos.1 to 4.

2. However, at the time of filing of the present petition, respondent no.5 who had been the lease holder before commencement of fresh lease in favour of petitioner as as such, there is hardly any need to issue notice to respondent no.5 and as such, process of notice in favour of respondent no.5 is hereby dispensed with.

3. In pursuance to the earlier direction, instructions have been preferred by learned Standing Counsel which are taken on record through which it has been transpired that being the highest bidder, petitioner has been declared at the top of amongst all the bidders for extending lease for pond, situated at Village Umaripeer, Tehsil Chandpur, District Bijnor, in pursuance of the same, Rs.11,21,375/- has already been deposited as 1/4th of the entire amount by petitioner before the competent authority i.e. respondent no.3 but no lease deed has been executed in favour of petitioner which arises cause of action in filing of the present petition.

4. Through the instructions, it has been demonstrated that after deposition of 1/4th amount of total Rs.44,85,500/-, remaining 3/4th amount to the tune of Rs.33,64,125/- has not been deposited by petitioner within 14 days and as such, lease contract has not been executed and extended in favour of petitioner.

5. Through the said instructions, it has also been transpired that the responding authorities are demanding the entire remaining amount at one stroke which is contrary to the Government Order dated 10.07.2023 wherein the remaining 3/4th of the entire amount has to be deposited by petitioner on yearly basis till the completion of

lease.

6. In view of the aforesaid Government Order, petitioner is eligible to continue in terms of the auction which has been finalized in favour of petitioner. The 1/4th amount deposited as mentioned in the petition and accepted by the responding authorities, cannot be forfeited on the ground that the entire 3/4th amount has not been deposited by petitioner within 14 days.

7. In view of the aforesaid facts and circumstances, respondent no.3 is hereby directed to act in accordance with the Government Order dated 10.07.2023 and the entire exercise shall be finalized within next four weeks from the date of production of certified copy of this order before him.

8. Writ petition stands **disposed of** accordingly.

Order Date :- 11.12.2023

Vivek Kr.