

Court No. - 7

Case :- WRIT - C No. - 10769 of 2024

Petitioner :- Bhola Prasad Nishad

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Deptt.
Lko. And 6 Others

Counsel for Petitioner :- Jagroopan Nishad, Pramendra Kumar

Counsel for Respondent :- C.S.C., Mohan Singh

Hon'ble Pankaj Bhatia, J.

1. Heard learned Counsel for the petitioner as well as learned Standing Counsel.

2. The present petition has been filed challenging the order dated 13.10.2024 whereby the auction of a tree was confirmed in favour of the respondent no.7.

3. The contention of the Counsel for the petitioner is that the prior to the auction in question, an auction was done by the Land Management Committee in which the petitioner had offered an amount of Rs.10,000/- which was accepted by the order dated 11.10.2024 (Annexure-8 to the writ petition). The contention of the Counsel for petitioner is that thereafter a fresh auction was held by the Tehsildar, in which, the highest bid of Rs.8,100/- was received, which has been confirmed. In short, it is submitted that the bid offered by the highest bidder is less than the bid offered by the petitioner and as such, the entire exercise of concluding the auction in favour of the respondent no.7 is bad in law.

4. Learned Standing Counsel based upon the instructions states that when the Land Management Committee had included the auction, no wide publicity was done and subsequently, after taking evaluation from the forest department and wide publicity of the auction, a fresh auction was done, in which, the respondent no.7 was the highest bidder, which has been accepted by the SDM, vide order dated 15.10.2024, as such, no fault can be found in the said order.

5. Both the auctions were said to have been held on 11.10.2024. Under the Rules, the Land Management Committee is not conferred to the right of the auction.

6. Learned Standing Counsel further submits that in terms of the Government Order No.17/14-3-377/76, it is incumbent upon

the Land Management Committee to take a prior permission for auction which has not been done.

7. Considering the petty amount involved, I do not see any reason to interfere in exercise of power under Article 226 of the Constitution of India. The writ petition is ***dismissed***.

8. However, it is directed that the amount deposited by the petitioner shall be refunded to him within a period of four weeks from the date of production of certified copy of this order.

9. The instructions handed over across the Bar is taken on record.

Order Date :- 18.12.2024

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