

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2046 of 2015

1. Radheshyam Sharma S/o Premraj Sharma, Aged About 44 Years
R/o Village Bhatudand Road, Pathalgaon, Tahsil Pathalgaon, P. S.
Pathalgaon, Civil & Revenue District Jashpur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Urban Administration
& Rural Development Department, Mahanadi Bhawan, Naya
Raipur, District Raipur (Chhattisgarh)
2. Chief Municipal Officer, Nagar Panchayat, Pathalgaon, P.S.
Pathalgaon, District Jashpur (Chhattisgarh)

---- Respondent

And

WPC No. 2052 Of 2015

1. Jiwan Ram Panna S/o Chala Ram, Aged About 38 Years R/o.
Village Balkudih, Tahsil Pathalgaon, P. S. Pathalgaon, Civil &
Revenue District Jashpur (Chhattisgarh)

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, Urban Administration
& Rural Development Department, Mahanadi Bhavan, Naya Raipur,
District Raipur (Chhattisgarh)
2. Chief Municipal Officer, Nagar Panchayat, Pathalgaon, P. S.
Pathalgaon, District Jashpur (Chhattisgarh)

---- Respondent

For Petitioners
For Respondent/State
For Respondent No.2

Shri Sanjay Agrawal, Advocate
Shri Rajendra Tripathi, Panel Lawyer
Shri Arun Sao, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

17/12/2015

1. In these petitions under Article 226 of the Constitution of India the petitioners have called in question the fresh auction notice issued by the Nagar Pachayat, Pathalgaon, for allotment of shops at Bus Stand on the ground that in the auction conducted earlier the petitioners' bids were highest for the subject shops, however, instead of allotting the said subject shops to the petitioners, the Nagar Panchayat cancelled the auction and has proceeded to auction it afresh.
2. Shri Sao, learned counsel for the respondent No.2, would submit that after filing of the present writ petitions the auction has taken place and the Nagar Panchayat has received substantial higher bids for the subject shops and the fresh bid has been accepted by the Nagar Panchayat in its meeting dated 2-12-2015, therefore, the writ petitions have been rendered infructuous.
3. Countering the aforesaid submission made by learned counsel for the respondent No.2, Shri Agrawal, learned counsel for the petitioners, would submit that the rivals have made unrealistic bid

contrary to the present market value of the shop, therefore, the bid is likely to fail because the bidders would not be able to deposit the amount. He would submit that in such eventuality the Nagar Panchayat may conduct fresh auction, therefore, if any, such contingency arises the petitioners' right may be protected by reserving liberty in their favour for participating in any fresh auction.

4. In view of the above, both the writ petitions are dismissed as infructuous, however, liberty is reserved in favour of the petitioners that in the event the subject shops are again put to auction, the petitioners would be at liberty to submit fresh bid or participate in the auction.

Sd/-

Judge

Prashant Kumar Mishra

Gowri