

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 41 OF 2017

MR. ANAND FADTE.,

... Petitioner

Versus

THE STATE OF GOA, THR. THE CHIEF
SECRETARY AND 13 ORS.,

... Respondents

Shri Vijay A. Palekar, Advocate for the petitioner.
Shri S. D. Lotlikar, Advocate General with Shri S. Dhargalkar,
Advocate for the respondent nos.1 and 2.

Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.

Date:- 12th January, 2017

P.C.

Heard Shri V. Palekar, learned Counsel appearing for the petitioner and Shri S. D. Lotlikar, learned Advocate General appearing for the respondent nos.1 and 2.

2. The challenge in the above petition is to the auction proceedings in respect of the fishing rights of the sluice gate at Carambolim. The learned Counsel for the petitioner has pointed out that the petitioner was the successful bidder and as such, the question of issuing a notice for fresh action would not arise at all.

The learned Counsel as such points out that on the concerned date the petitioner was given the impression that his bid was accepted. The learned Counsel as such submits that the action of the respondent to hold a fresh auction is arbitrary and contrary to the provisions of law. The learned Counsel further

submits that the petitioner has filed a representation before the respondent no.2 which has not been examined. The learned Counsel as such points out that the action by the respondent no.2 to hold their auction deserves to be set quashed and set aside.

3. We have considered the submissions of the learned Counsel and we have also gone through the records.

4. On perusal of the minutes of the subject auction there is nothing disclosed therein to show that the bid of the petitioner was accepted. In any event these are contractual matters based on the terms and contentions of the auction and as such, we are not inclined to exercise our extra-ordinary jurisdiction under Article 226 of the Constitution of India in such matters on such allegations. Hence, we find no merits in the above Writ Petition which stands rejected accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.