

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**WRIT PETITION NO. 344/2002**

\* Pratap Hukmatmal Chugh  
Aged about 47 years, Member  
Gram Panchayat, Sakoli  
R/o Main road, Sakoli, Tah.Sakoli  
District: Bhandara.

**..PETITIONER**

**VERSUS**

- 1) The State of Maharashtra  
Through the Secretary  
Revenue and Forests Department  
Mantralaya, Mumbai -400032
- 2) The Collector  
Bhandara, Tah.& Dist. Bhandara
- 3) Sub-Divisional Officer  
Sakoli, Tah.Sakoli  
Dist. Bhandara.
- 4) S.S. Malgam  
Sub-Divisional Officer  
R/o Sakoli, Tah.Sakoli  
Dist. Bhandara.
- 5) Vijay Mahesh Gupta  
Aged about 31 years
- 6) Arun s/o Parasram Gupta  
Aged about 27 years
- 7) Suresh s/o Ramswaroop Gupta  
Aged about 37 years

- 8) Pandurang s/o Bajirao Kapgate  
Aged about 40 years
- 9) Arun s/o Kewalram Zingre,  
Aged about 38 years
- 10) Sarasram s/o Pyardalsao Mohbe  
Aged about 48 years,

Nos. 5 to 11 all residents of  
Sakoli Tah.Sakoli  
District : Bhandara.

**..RESPONDENTS.**

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None for the petitioner  
Mrs. Geeta Tiwari, Asst. Government Pleader for respondents 1,2,3 & 11  
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**CORAM : R.K. DESHPANDE &**  
**MRS.SWAPNA JOSHI, JJ.**  
**DATED : 12<sup>th</sup> July, 2017**

**ORAL JUDGMENT: (Per R.K.DESHPANDE, J.)**

The matter was called out on 11.07.2017. None appeared for the petitioner and it was adjourned. Today also, none appears for the petitioner. Mrs. Geeta Tiwari, learned Assistant Government Pleader appearing for respondent nos.1,2,3 and 11 has invited our attention the return filed in this petition by the respondents.

2. Challenge in the present case is to the auction of Plot Nos. 48A, 48B, 48C, 48D, 48E and 48F by the office of the Sub-Divisional

Officer, Sakoli, District Bhandara, held on 20.12.2001. Notice for auction of those plots was issued on 07.12.2001, which was published after obtaining the permission of the Collector. In the auction, the respondent nos. 5 to 10 were the highest bidders in respect of the plots in question. They had deposited the amount and the auction was confirmed. This Court passed an order of *status quo* on 28.1.2002 as on that day and it was continued on 3<sup>rd</sup> July, 2002 when the matter was admitted. There is nothing on record to show the position prevailing as on the date of passing of order of *status quo* by this Court. It is not known as to whether the possession was handed over to the respondent nos.5 to 10.

3. We fail to understand the *locus* of the petitioner to challenge such auction proceedings. In petition, he describes himself as a Member of Gram Panchayat and also Ex-Sarpanch, Gram Panchayat Sakoli. The plots in question were disposed of in exercise of the powers conferred upon the Collector under the Maharashtra Land Revenue (Disposal of Land) Rules, 1971. We have gone through the petition and we do not find a challenge to the auction on the ground of violation of any specific provisions of the Rules. The ground raised is of undue haste in auctioning the plots and stating different dates of depositing the amount

by the auction-purchasers. It is also the ground raised in the petition that the upset price shown in respect of the plots in question was much lesser than the market value.

4. In the return filed by the respondents, it is the stand taken that such a price was fixed on the basis of the report dated 1.3.2000 submitted by the Town Planning Officer prescribing the rate of Rs. 310 per sq.metre. There is no challenge raised in respect of the report of the Town Planner. It is not the ground raised that the upset price shown was lesser than the one shown in the Ready Reckoner maintained by the Town Planing Department. From the return filed by the respondents, it is apparent that the procedure prescribed was followed and there is no reason for us to decide such a stand taken, in the absence of specific ground to that effect raised in the petition.

5. We do not find any substance in this petition. The same is dismissed.

JUDGE

JUDGE