

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6409 of 2018

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1. Vijay Kumar Singh son of Shri Singeshwar Singh resident of village -
Chak Kanchanpur, Post Office - Rahimapur, Police Station Biddupur,
District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Old Secretariat,
Patna, Bihar.
2. The Zila Parishad, Vaishali at Hajipur through its Chairman.
3. The Commissioner cum Secretary, Panchayati Raj Department, Vikas
Bhawan, New Secretariat, Patna, Bihar.
4. The Divisional Commissioner, Tirhut Commissioner, Muzaffarpur.
5. The Collector-cum-District Magistrate, Vaishali at Hajipur.
6. The Deputy Development Commissioner-cum-Chief Executive Officer,
Zila Parishad, Vaishali, Zila Parishad Administrative Building, Hajipur.
7. The District Engineer, Zila Parishad Vaishali at Hajipur.
8. Shri Kundan Kumar Sah son of Shri Lal Babu Sah resident of village -
Mahnar, Police Station - Mahnar, District - Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Navendu Kumar
For the Respondent/s : Mr. Ajay -GA5

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 01-05-2018 Heard learned counsel for the petitioner and learned
counsel for the respondents.

The petitioner seeks quashing of the settlement of
Jandaha Bus Stand in favour of respondent No.8 in auction held
on 20.03.2018 for the financial year 2018-19 by Zila Parishad,
Vaishali.

The learned counsel for the petitioner has submitted that
the petitioner was settlee of the Jandaha Bus Stand since year



2005-06 save and except the financial year 2007-08 and 2013-14 in accordance with law. Jandaha Bus Stand was settled in favour of petitioner for the financial year 2017-18 on reserve jama of Rs.32,10,200/- after enhancing 10% of reserve jama from previous year. For the financial year 2018-19, open auction was invited for settlement of Jandaha Bus Stand along with other Sairats vide Memo No.713/Ji. Pari. dated 15.02.2018. The reserve jama was not enhanced. The auction was to be held on four dates i.e. 12.03.2018, 16.03.2018, 20.03.2018 and 23.03.2018. The time and place of auction was also fixed. It is submitted that the place of auction was ground floor, Zila Parishad, Administrative Building but the authority illegally conducted the auction in the Meeting Hall, Zila Parishad situated at 2nd floor of Zila Parishad Building. When the petitioner reached there, petitioner came to know that Jandaha Bus Stand has already been settled in favour of respondent No.8 in the Meeting Hall at 10 a.m. It is submitted that the auction was held in very arbitrary manner and the same is liable to be cancelled.

The learned counsel for the respondent Nos.2, 6 and 7 filed counter-affidavit and submitted that the auction was to be held in Zila Parishad Building from 10.30 a.m. to 5.00 p.m. General notice for settlement of Bus Stand was done in two



newspapers on 07.03.2018 in which it was published that the auction will be held on four consequent dates. On 20.03.2018, three bidders attended and filed requisite papers and deposited the security money. The bid process started on 11.30 a.m. in the office of Zila Parishad in presence of Chairman, District Engineer Additional Chief Executive Officer of Zila Parishad. A videography of the entire auction procedure was also held. The petitioner did not participate in the auction and the bid was finalized in accordance with law in favour of respondent No.8. It is submitted that there is no illegality in holding the bid and the petitioner has got no right to challenge the settlement of Jandaha Bus Stand in favour of respondent No.8 as the petitioner did not participate in the bid.

From the submission of both sides, it is apparent that admittedly an auction notice was issued on 07.03.2018 in Dainik Jagran and Dainik Bhaskar, daily newspapers in which the date of auction was already fixed but on 12.03.2018 and 16.03.2018. No bidder turned up and on 20.03.2018, three bidders attended the auction proceeding and filed requisite documents and also deposited security money. The bid process started on 11.30 a.m. Since the respondent No.8 was highest bidder, Jandaha Bus Stand was settled in his favour.



The learned counsel for the petitioner submits that the auction was to be held on first floor of Zila Parishad Building at 11.00 a.m. but the auction was held at different place and the Jandaha Bus Stand was settled in favour of respondent No.8 without informing the petitioner and, therefore, Jandaha Bus Stand was illegally settled in favour of respondent No.8 but I do not find any force and the submission of the learned counsel for the petitioner is not acceptable as it appears from perusal of Annexure 2, the auction notice that the auction was to be held in the District Board Office. It has nowhere stated in the notice that auction was to be held at 1st floor of the District Board Office. The entire mode and procedure for holding the auction is mentioned in the notice. The petitioner did not participate in the auction. Three persons participated in the auction and the respondent No.8 was the highest bidder, accordingly, Jandaha Bus Stand was settled in his favour. Therefore, I do not find any illegality in the process of auction held in which Jandaha Bus Stand was settled in favour of respondent No.8.

Considering the facts aforesaid, I do not find any merit in this writ petition. Accordingly, this writ petition is dismissed.

(Prabhat Kumar Jha, J)

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