

**THE HON'BLE SRI JUSTICE S.V.BHATT**

**WRIT PETITION No.21547 of 2018**

**ORDER:**

Heard Mr.Raj Kumar Rudra for petitioner and Mr.Beig for 2<sup>nd</sup> respondent/Wakf Board.

The 2<sup>nd</sup> respondent through proceedings F.No.02/Laddu/Auction/Dys/WGL/2014/Z-III dt.05-06-2017 allotted a stall (laddu prasadam stall) inside Dargha Hzt. Yakhoob Shaheed RH. The proceedings provide for extension of allotment for a further period of one year on 5% enhanced rates. The 2<sup>nd</sup> respondent issued tender dated 20.06.2018, calling for fresh tenders for allotting the subject shop for the period 2018-19. The writ petition is filed challenging the tender notice, as illegal and contrary to conditions stipulated in proceedings dated 05.06.2017.

The petitioner further alleges that through communication dated 15.05.2018, the petitioner exercised the option of availing one year extension of allotment of shop at enhanced rate of Rs.5 lakhs + 5%. To that effect, the petitioner has also tendered the demand draft to 2<sup>nd</sup> respondent. The 2<sup>nd</sup> respondent without accepting the letter of the petitioner, issued the tender notice impugned in the writ petition. Hence, the writ petition.

On 26.06.2018, this Court permitted the 2<sup>nd</sup> respondent to proceed with the tender process and place before the Court the details of offers received for allotment of subject shop. The file is placed for inspection of the Court which discloses that highest bid is of Rs.10,02,116/- per annum.

The petitioner seeks enforcement of condition incorporated in proceedings dated 05.06.2017. The condition reads as follows:

“After expiry of one year, the allotment can be extended for a further period of one year on 5% enhancement rates.”

From the above, it is clear that extension of allotment of shop is on the acceptance of the offer given by the petitioner to pay Rs.5 lakhs + 5%. In the case on hand, it is not the case of petitioner that the moment such tender is made, the 2<sup>nd</sup> respondent is under obligation to accept and extend the period for one more year. Apart from this circumstance, the sentence excerpted clearly says ‘can be’ extended and the words can be ought not be read as should be extended, the moment petitioner offers Rs.5 lakhs + 5%.

The petitioner, since failed to establish a right, the writ petition is not admitted.

Writ petition fails and accordingly dismissed. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

**S. V. BHATT, J**

Dt: 29.06.2018  
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