

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 767 of 2021

Manish Kumar Bansal S/o Shri Purnamal Bansal Aged About 38 Years R/o Post Office Road, Tehsil Kharsiya, District Raigarh Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through Collector, Raigarh, District Raigarh Chhattisgarh.
2. Najool Officer, Raigarh, District Raigarh Chhattisgarh.

---Respondents

For petitioner – Shri Soumitra Kesharwani, Advocate.
For State – Shri Gagan Tiwari, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

16/02/2021

Heard.

1. Challenge in this petition is to the letter dated 16/12/2020 Annexure P-1 and Annexure P-2. It is contended that the Nazul Plot 69 admeasuring 4500 sq.ft. and another 5000 sq. ft. was put to auction by the Nazul Officer, Raigarh. The petitioner successfully participated in such proceeding and 10% of the off set value which was fixed of Rs.15,22,303/- for 4500 sq.ft and 10% of the off set value which was fixed of Rs.16,91,435/- for 5000 sq.ft was deposited by him. It is contended that the petitioner was the highest bidder according to the auction but subsequently he being the highest bidder same was cancelled by the State Nazul Officer on the ground that the property has not fetch the appropriate value. Learned counsel for the petitioner submits that the petitioner was the successful bidder and with acceptance of the amount and he being the highest bidder, the contract is created in between the

petitioner and the respondent, therefore the respondent cannot back out of their contract.

2. Perusal of Annexure P-1 and P-2 would show that cancellation of the auction has been made on the ground that the expected appropriate value has not been received by the State. What is expected appropriate value can only be ascertained after the evidence is adduced and if it is the case of the petitioner that the contract is created, then he has to seek remedy available under the common law. The writ cannot be issued to sell a property when the State is specific of the fact that the property put to auction has not fetch the appropriate value, there cannot be any compulsion of the like nature. The State being the owner of the property which is put to auction, if the property has not fetch the appropriate value, it is always their domain to cancel the same. The off set price cannot be stated to be the bench mark as it is always meant that the property should not be sold below the said price. Minimum bench mark is created to evaluate the property, therefore I do not find any merit in this petition to issue any writ.

3. Accordingly, the petition is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE