

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1515 of 2021**

Kanhaiya Charan Patel Son Of Shri Khemlal Patel Aged About 52 Years
R/o Village Balamghoda, Post - Usrat, Tahsil- Raigarh, District Raigarh
(Chhattisgarh), **---- Petitioner**

Versus

1. The State Of Chhattisgarh Through The Secretary, Revenue Department, Mahanadi Bhawan, new Mantralaya, Atal Nagar, Nawa Raipur, Distt. Raipur (Chhattisgarh),
2. The Collector Raigarh, District - Raigarh (Chhattisgarh),
3. The Sub-Divisional Officer (Revenue) Raigarh, District- Raigarh (Chhattisgarh),
4. The Tahsildar Raigarh, Tahsil And District- Raigarh (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. R.S. Patel, Advocate
For State	:	Mr. Gagan Tiwari, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****12.03.2021**

1. Heard.
2. The present petition has been filed by the petitioner against the impugned order dated 02.03.2021.
3. Learned counsel for the petitioner submits that pursuant to a certain auction which was held, the petitioner participated in it and was the highest bidder of Rs. 1,67,35,000/- however the respondent authorities by order dated 02.03.2021, canceled the auction on the ground that the property which has been put into sale may fetch the higher value. He further submits that the petitioner has paid the amount above the offset

amount and therefore the State was under-bound to accept the amount of highest bidder and consequently the subsequent auction which is being proposed on 15.03.2021 may be stayed.

4. Perusal of the Annexure P/1 shows that the SDO Raigarh came to a fact of finding that the amount which has been offered by the petitioner for the land which is put to sale may fetch the higher value, therefore this part of satisfaction would be objective and this Court in exercise of power under Article 226 of the Constitution of India cannot vitiate by own substitution of any price and hold that the offer made by the petitioner would be the highest and any amount may not be offered more than that. It would be astronomical. Furthermore, there is no concluded contract as on date as when the offer is made by the purchaser then State then they would be in a position to accept the best price. In view of this, I am not inclined to admit the petition. However, the petitioner may also participate in the subsequent ensuing auction.

5. With the above direction/observation, this writ petition stands disposed off.

Sd/-

(Goutam Bhaduri)
Judge