

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.27668 of 2022

Himansu Sekhar Nayak

....

Petitioner(s)

Mr. S. Bahadur,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Parties

Mr. S.P. Panda,
Addl. Govt. Adv. for O.Ps. 1 to 4
Mr. R.N. Parija,
Advocate for O.P.7

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
01.11.2022**

**Order No.
03.**

1. Pursuant to the earlier direction of this Court the Petitioner appearing in person through his Counsel submits the draft amounting to Rs.50,000/- vide Draft No.203577 dated 31.10.2022. Similarly the Opposite Party No.7 appearing in person through his Counsel also submits two Drafts one bearing No.039647 dated 31.10.2022 amounting to Rs.40,000/- and the other one bearing No.058047 dated 31.10.2022 amounting to Rs.10,000/-.

2. In last occasion the Opposite Party No.7 had raised his bid to a sum of Rs.85,000/- and similarly the Petitioner had also raised his bid to a sum of Rs.90,000/-. Today in further auction through Court process the Opposite Party No.7 raises his bid to a sum of Rs.95,000/- (Rupees Ninety-Five thousand), whereas the Petitioner raises his bid to Rs.1,00,000/- (Rupees One lakh). Opposite Party No.7 then bids for a sum of Rs.1,20,000/- (Rupees One lakh twenty

thousand), whereas the Petitioner bids for a sum of Rs.1,40,000/- (Rupees One lakh forty thousand). The Opposite Party No.7 refuses to bid any further. There is also no showing of interest by the Opposite Party No.7. Therefore, the final bid amount comes to Rs.1,40,000/- (Rupees One lakh Forty thousand). This Court finalizes the bid involving the auction to a sum of Rs.1,40,000/- (Rupees One lakh Forty thousand). As the Petitioner succeeds in the bidding process, the Bank draft bearing No.203577 dated 31.10.2022 amounting to Rs.50,000/- (Rupees Fifty thousand) is handed over to the Petitioner through his Counsel for submission of the same before the concerned Sarpanch by day after tomorrow (3rd November, 2022). So far as the drafts bearing No.039647 dated 31.10.2022 amounting to Rs.40,000/- and the other one bearing No.058047 dated 31.10.2022 amounting to Rs.10,000/- are concerned; for Opposite Party No.7 failing, both the drafts are returned to the Opposite Party No.7 for his own use.

3. As the auction process is closed with the highest bidding price of Rs.1,40,000/- (Rupees One Lakh Forty thousand only), this Court records the undertaking of the Petitioner to deposit the balance sum of Rs.89,500/- (Rupees Eighty-nine thousand five hundred only) before the concerned Gram Panchayat by Friday (4th November, 2022). It is further directed that upon deposit of the balance amount by the Petitioner, lease deed as appropriate shall be prepared and executed in favour of the Petitioner at least within a period of three days thereafter. Such deed shall also be treated as annual deed. For there is already sufficient delay in concluding the lease aspect, this Court hopes and trusts, the Gram Panchayat concerned shall consider the bid for one complete year from the date

of initial deposit at least. At this stage this Court considering the submission of learned counsel for Opposite Party No.7, observes, in the event the Opposite Party No.7 has deposited any amount for this purpose before the Gram Panchayat, he may approach the concerned Gram Panchayat for return of the same.

4. The Writ Petition stands disposed of with the above order.

5. Free copy of this order be handed over to the learned State Counsel.

(Biswanath Rath)
Judge

Ayaskanta Jena

