

Uma Kant Mishra and ors. Vs. Allahabad Development Authority and ors.

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Court : Allahabad

Decided On : Mar-28-2003

Reported in : 2003(3)AWC1735

Judge : M. Katju and ;Prakash Krishna, JJ.

Appeal No. : C.M.W.P. No. 47001 of 2002

Appellant : Uma Kant Mishra and ors.

Respondent : Allahabad Development Authority and ors.

Advocate for Def. : A.K. Misra, Adv.

Advocate for Pet/Ap. : Deepak Jaiswal and ;V.K. Jaiswal, Adv.

Disposition : Writ petition dismissed

Judgement :

ORDER

M. Katju and Prakash Krishna, JJ.

1. Heard learned counsel for the parties.

2. The petitioners have prayed for a writ of certiorari to quash the orders dated 18th October, 2002, Annexures-5, 6 to 10 to the writ petition and for a writ of mandamus directing the respondent No. 3 to issue allotment orders in favour of

the petitioners in respect to plots in question in Shantipuram (Phaphamau) Awas Yojna, Allahabad, and not to re-auction the same.

3. From a perusal of the writ petition and the counter-affidavit, it appears that the petitioners were the only bidders of the plots they are claiming. Hence, as stated in paragraph 7 of the counter-affidavit of the Allahabad Development Authority, the matter was placed before the Vice Chairman of the Allahabad Development Authority, who was of the opinion that the bids submitted by the petitioners did not reflect the market value and he was further of the view that transparency had not been observed in the manner of disposal of the property. The Vice-Chairman, Allahabad Development Authority, therefore, took a decision to invite fresh bids in which the petitioners can also participate.

4. A perusal of the Notification of Allahabad Development Authority dated 18.4.2002. Annexure-1 to the writ petition shows that one of the terms and conditions of the auction was that the Vice Chairman, A.D.A., can accept or reject any bid. In this case, the Vice Chairman, Allahabad Development Authority was of the view that the bids of the petitioners did not reflect the correct market value and he has ordered for reauction, in which the petitioners can also participate.

5. In *Monarch Infra Structure v. Commissioner and Ors.*, 2000 (3) AWC 2.28 (SC) (NOC) : 2000 (5) SCC 287, it has been held in para 10 that the Government can reject even the highest bid. Thus, we find no merit in the writ petition. The writ petition is accordingly dismissed.

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