

Desh Kumar and Others Vs. State of U.P. and Others

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Court : Allahabad

Decided On : Feb-19-1998

Reported in : 1998(2)AWC958

Judge : M. Katju and ;D.K. Seth, JJ.

Acts : [Constitution of India](#) - Article 14

Appeal No. : C.M.W.P. No. 1877 of 1998

Appellant : Desh Kumar and Others

Respondent : State of U.P. and Others

Advocate for Def. : S.C.

Advocate for Pet/Ap. : J.S. Kashyap, Adv.

Judgement :

M. Katjti and D.K. Seth, JJ.

1. Heard learned counsel for the petitioners.
2. The petitioners pray for renewal of their fishery lease.
3. In our opinion, there is no question of renewal of the lease which has already expired. If the fishery lease has expired, then it has to be auctioned afresh,

otherwise, Article 14 of the Constitution will be violated.

4. It is settled law that public property is not largesse which can be distributed, as has been held in the case of *Ramana Dhayaram Shetty v. International Airport Authority of India and others*, AIR 1979 SC 1678. Hence, for giving lease, there must be public auction which is advertised in newspapers having wide circulation so that everybody eligible can participate. The lease cannot be renewed automatically, if it has expired.

5. Thus, we see no merit in the petition and the same is accordingly dismissed. However, we direct the authority concerned to auction the fishery right afresh after wide publication in well circulated newspapers, if not already auctioned in this manner.

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