

Rajesh Kumar Pandey Vs. State of U.P. and Others

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Court : Allahabad

Decided On : Dec-16-1998

Reported in : 1998(4)AWC648

Judge : M. Katju and ;S.L. Saraf, JJ.

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

Appeal No. : C.M.W.P. No. 42849 of 1998

Appellant : Rajesh Kumar Pandey

Respondent : State of U.P. and Others

Advocate for Def. : S.C.

Advocate for Pet/Ap. : Yogesh Agarwal

Judgement :

M. Katju and S. L. Saraf, JJ.

1. Heard Sri Yogesh Agarwal. learned counsel for the petitioner, Sri R. G. Padia. learned counsel for the respondent No. 2, learned Standing Counsel for respondent No. 3 and Sri Mohd. Isa Khan for respondent No. 4. The respondents may file counter affidavit within three weeks. List in the week commencing 4th January, 1999.

2. This writ petition furnishes a typical instance of the shocking state of affairs which is prevailing In the State of U. P. The Mafia Raj has been continuing in U. P. for quite some time and the time has come when all this must be stopped otherwise development of the State is impossible. The petitioner has alleged that he had come to participate in the auction for petrol pump at Ratanpur in Sultanpur which was held at Hotel Harsh, Mahatma Gandhi Marg. Civil Lines, Allahabad on 19.11.1998 at 10 a.m. It has been alleged in paragraphs 6 & 7 to the writ petition that the petitioner went to Harsh Hotel on 19.11.1998 at about 9 a.m. alongwlth the drafts the intimation dated 12.11.1998 for participation in the auction but he was surprised to find that the Hotel Harsh was bristling with notorious criminals all armed to the teeth with lethal weapons, who were preventing prospective bidders from entering the premises of the hotel at the gate itself and were advancing threats of murder and other damage to the prospective bidders if they dared to participate In the bid. All this happened in the presence of the District Administration but the authorities were casting a blind eye towards the happenings and did not pay any heed to the complaints of the prospective bidders, who had come to participate in the auction but were prevented from doing so. It is further alleged that a mock auction took place and the petrol pump was auctioned in favour of respondent No. 5 for a petty sum of Rupees fifteen lakhs sixteen thousand whereas the petitioner himself was ready to bid a sum of Rupees thirty five lakhs or more as alleged In paragraph 9 to the writ petition. A report about the whole incident has been reported in thenewspaper 'Northern India Patrtka' dated 25th November, 1998, a copy ofwhich is annexed as Annexure 3

to the writ petition. In paragraph No. 12, it is stated that the game of the respondent No. 5 was to see that he gets the petrol pump for a much lower price but a lady who came on a rickshaw pretended to be a purchaser of a saree and managed to enter into Hotel Harsh in spite of threats of criminals accompanied by respondent No. 5 and she raised the bid up to fifteen lakhs rupees and consequently respondent No. 5 too was compelled to raise the bid for rupees 15.6 lakhs. However, the lady was seriously threatened when she came out of Hotel Harsh and at a late stage the administration intervened and took her away from the hotel in an official vehicle. A large number of such incidents have been taking place in U. P. when auctions are not allowed to be conducted properly by mafia leaders or their men and under dire threats no body is allowed to bid except mafia leaders or their men. A large number of such incidents have been widely reported in the newspapers and have come to knowledge of this Court. Mafia leaders are often kidnapping businessmen or their relatives and are demanding ransom in several parts of U. P. All this must be stopped now otherwise the progress of this State is impossible.

3. We direct the State Government to take strong steps in this connection as this Court is no longer willing to let this state of affairs to continue any further in this State.

4. On the facts of this case, we restrained respondent No. 5 from operating the petrol pump in question and issue notice to respondent No. 5 returnable at an early date.

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