
(2012) 02 RAJ CK 0056
In the Rajasthan High Court
Case No : Civil Writ Petition No. 2590 of 2009

Smt. Ratani Devi

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 09-02-2012

Acts Referred:

Citation : (2012) 02 RAJ CK 0056

Hon'ble Judges : Govind Mathur, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Govind Mathur

1. By this petition for writ, the petitioner is seeking an appropriate writ, order or direction for the respondents to accept the balance 3/4th amount of Plot No. 52 situated at new Busstand, Suratgarh and further to issue lease deed in her favour. A prayer is also made to release the amount that is forfeited by the respondents on the count that the petitioner failed to deposit the remaining bid amount.

2. The factual matrix necessary to be noticed is that Krishi Upaj Mandi Committee, Suratgarh held an auction to sell certain plots including Plot No. 52. The petitioner participated in the auction and being a highest bidder, Plot No. 52 was to be sold to her as per the notice Annex.1 dated 25.1.1997. The petitioner immediately deposited 1/4th of the bid amount, however, as per the petitioner no notice was received by her for depositing remaining 3/4th part of the bid amount, thus, she failed to complete the entire process.

3. The land-in-question, somewhere in the year 2004 was transferred to the Municipal Board, Suratgarh and the Municipal Board aforesaid proceeded for auction of Plot No. 52 again under a notice dated 23.1.2009. The petitioner then submitted several representations to the respondents with assertion that she is ready and willing to deposit the entire due amount with interest, but of no

consequence, hence, this petition for writ is preferred.

4. The auction in question was made as per the provisions of the Rajasthan Colonization (Sale & Allotment Land in Mandies in the Bhakhara and Indira Gandhi Canal Project Colony Area) Conditions, 1973 (for short "the Conditions of 1973" hereinafter). As per Condition No. 9(2) of the Conditions of 1973, a successful bidder is required to deposit the remaining 3/4th of the bid within thirty days from the date of issue of the order of the Chairman of the Committee accepting auction and in case he/she fails to deposit of her/her own motion within thirty days, a notice shall be issued to the bidder for depositing the remaining 3/4th amount within thirty days from the date of issue of notice.

5. In the instant matter, nothing is said as to whether notice as per Condition 9(2) was issued or not. Learned counsel for the petitioner also failed to satisfy that why a delay of more than 09 years occurred in submitting a representation to the respondent-Municipal Board after opening of the bid. In the entire petition for writ no reference is given about any other effort made by the petitioner for depositing the 3/4th due amount within a period of thirty days as prescribed.

6. It is stated by learned counsel for the petitioner that he would like to seek necessary instruction from the petitioner about all these question, I am not inclined to grant time for that purpose. As a matter of fact, the questions sought to be agitated are highly disputed question of fact and those cannot be examined in writ jurisdiction of this Court. Suffice it to note that this petition for writ was filed that 9.3.2009 and till today no substantial proceeding has been taken place in the matter in as much as no notice is yet issued to the respondents.

7. Having considered all the facts of the case and looking to highly disputed questions of fact involved in the petition, I am not inclined to interfere in the matter while exercising powers of this Court.

8. The petition for writ stands dismissed. The petitioner shall be at liberty to avail appropriate alternative remedy for redressal of her grievance including the remedy of civil suit.