

(2001) 04 P&H CK 0103

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 14207 of 2000

Ram Sarup

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: April 3, 2001

Acts Referred:

- Constitution of India, 1950 - Article 226

Citation: (2001) 4 RCR(Civil) 329

Hon'ble Judges: N.K. Sud, J; Jawahar Lal Gupta, J

Bench: Division Bench

Advocate: Arun Jain, for the Appellant; Surya Kant, A.G. and Palika Monga, AAG, for the Respondent

Final Decision: Dismissed

Judgement

Jawahar Lal Gupta, J.

On 4.10.2000, the Department of Mines and Geology notified for the information of general public that a group of 37 minor mineral quarries of District Yamuna Nagar shall be auctioned as a single unit. The petitioner complains that hitherto, the department had been auctioning individual quarries. The action in consolidating a number of quarries together takes away the rights of small entrepreneurs to participate and bid at the time of auction. On this basis, the petitioner prays that a writ in the nature of mandamus be issued directing the respondent authorities to auction the quarries individually and not collectively as a single unit.

2. The respondents have filed the written statement. It has been pointed out that the auction was held on 7.8.2000. The petitioner had not participated in the auction. It has been further pointed out that when the quarries are individually auctioned, the prospective bidders combine in such a way that they do not bid for all of them. As a result, only a few quarries are auctioned and illegal mining goes on in the quarries which have not been allotted to any one. Still further, it has also been

pointed out that of 34 quarries which were auctioned on 7.8.2000, the bids were made only in respect of 13. Nobody had made any offer with regard to the remaining 21 quarries. Still further, even the revenue that the State would have collected by this method would be lower. When 36 quarries were auctioned together, the offer was of Rs. 1.31 Crores. Now, even that offer has not been accepted and a fresh auction shall be conducted, On this premises, the respondents maintain that holding a combined auction was legal and valid and no ground for interference is made out.

3. Admittedly, the State is the owner. It has a right to choose the best method by which it can collect the highest amount of revenue. Basically, the case involves a question of policy. When the State decided to auction all the quarries together, it has not been shown that it had violated any rule or law. In this situation, no ground for interference is made.

4. Mr. Jain contends that poor persons like the petitioner are excluded by the process of clubbing. The argument is, apparently, attractive. However, as pointed out by the learned Advocate General, Haryana, the petitioner had not made any bid even when the quarries were individually auctioned on 7.8.2000. Still further, nothing has been produced on the record to show that the petitioner had even made any offer at any time. Nothing has been placed on the record to show that the petitioner had ever participated in any auction. Even if he had, so far as the present case is concerned, no ground for interference is made out.

5. The writ petition is, accordingly, -dismissed. No costs.

6. Petition dismissed.