

GAHC010051082024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1398/2024

JAYGNESWAR DEORI
S/O PADMA NATH DEORI, R/O BAHGORA DEURI GAON, P.S.- BIHPURIA,
DIST.- LAKIMPUR, ASSAM, PIN- 784161.

VERSUS

THE UNION OF INDIA AND 2 ORS
REP. BY SECRETARY, MINISTRY OF PETROLEUM AND NATURAL GAS,
GOVT. OF INDIA, SHASTRI BHAWAN, NEW DELHI- 110001.

2:THE INDIAN OIL CORPORATION LTD.
REP. BY THE CHIEF EXECUTIVE OFFICER
INDIAN OIL BHAWAN
G-9
ALI JAVAR JUNG MARG
BANDRA (EAST) MUMBAI- 400051

3:THE DIVISIONAL OFFICE
HEAD TINSUKIA DIVISIONAL OFFICER
SRIPURIA ROAD
TINSUKIA
ASSAM
PIN- 786125

Advocate for the Petitioner : MR. Y S MANNAN

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

11.03.2024

Heard Mr. Y.S. Mannan, learned counsel for the petitioner, who submits that in respect of the retail outlet dealership within 3 kms from Laholial Chariali, Bongalmara Road in the district of Lakhimpur, the petitioner was provisionally selected. The IOCL thereafter, vide letter dated 18.12.2023 requested the petitioner to remit the initial security deposit amount and upload specific documents.

2. The petitioner's case is that the petitioner submitted a document for a 10 Bigha plot of land, in which the petitioner and his cousin, Mohan Deori were co-pattadars. The other co-pattadars were the father of the petitioner and the father of Mohan Deori, who had expired. Further, the grandfather of the petitioner had also expired.

3. The petitioner's counsel submits that besides the above documents being furnished to the IOCL, the petitioner had also made a separate Jamabandi for 1 Bigha of land out of the 10 Bighas, in the name of the petitioner, which he had submitted separately. He accordingly submits that there is no ground for the respondent authorities to have declared the petitioner ineligible for being allotted the retail outlet dealership, when all the documents submitted by the petitioner were in order.

4. The petitioner's counsel submits that pursuant to the impugned letter dated 10.02.2024 issued by the IOCL, the petitioner made a representation dated 19.02.2024 to the Divisional Retail Head, Tinsukia Divisional Office,

Assam, which has not been decided till date. The petitioner's counsel submits that though the respondent authorities have not taken a decision on the petitioner's representation till date, they are in the process of awarding the retail outlet to some other person. He accordingly submits that the said retail outlet should not be allotted to any other person till the petitioner's representation dated 19.02.2024 is decided, by giving an opportunity of hearing to the petitioner in person, prior to the decision being made.

5. Mr. M.K. Choudhury, learned Senior Counsel appearing for the IOCL submits that the petitioner will be given an opportunity of being heard, prior to deciding the petitioner's representation dated 19.02.2024.

6. In view of the consent of the parties, the respondent No.3 is directed to decide the petitioner's representation dated 19.02.2024. However, before taking a decision on the said representation, the petitioner should be given a personal hearing by the authority concerned. Till a decision is taken by the respondent authorities, the said retail outlet should not be processed for allotment to any other person.

7. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant