

GAHC010051972021



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

Case No. : WP(C)/1936/2021

ROJIUL ISLAM
S/O LATE HABIBUR RAHMAN
RESIDENT OF VILLAGE HARIPUR KARAIKHOWA,
PO KHARMUJA, PS BAGUAN, DIST GOALPARA, ASSAM 783101

VERSUS

THE UNION OF INDIA AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE MINISTRY OF PETROLEUM
AND NATURAL GAS , NEW DELHI

2:THE HINDUSTAN PETROLEUM CORPORATION LIMITED

HAVING ITS REGISTERED OFFICE AT 17 JAMSHEDHI TATA ROAD
MUMBAI 400020 AND HAVING ITS GUWAHATI RETIAL REGIONAL OFFICE
AT 2ND FLOOR JANAPATH
H.D. COMPLEX
G.S ROAD
ULUBARI
GUWAHATI
KAMRUPM ASSAM 781007

3:THE CHIEF REGIONAL MANAGER

HINDUSTAN PETROLEUM CORPORATION LIMITED

2ND FLOOR JANAPATH
H.D. COMPLEX
G.S ROAD
ULUBARI
GUWAHATI
KAMRUPM ASSAM 781007

4:THE AREA MANAGER
HINDUSTAN PETROLEUM CORPORATION LIMITED
RETAIL REGIONAL OFFICE AT 2ND FLOOR JANAPATH
H.D. COMPLEX
G.S ROAD
ULUBARI
GUWAHATI
KAMRUPM ASSAM 78100

Advocate for the Petitioner : MR. T J MAHANTA, MR. M H TALUKDAR

Advocate for the Respondent : ASSTT.S.G.I., MR. B DEKA,MR S A SIKDER (R2-R4),MR. M R ISLAM (R2-R4),MR. B DEKA (R-1)

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

18.11.2024

Heard Mr. T.J. Mahanta, learned Sr. Counsel assisted by Mr. M.H. Talukdar, learned counsel for the petitioner. Also Mr. M.R. Islam, learned counsel for the respondent Nos.2, 3 & 4. Mr. K. Gogoi, learned CGC appears for the respondent No.1.

2. By way of this writ petition under Article 226 of the Constitution of India, the petitioner is assailing the impugned communication dated 11.06.2020 issued on behalf of the Hindustan Petroleum Corporation Ltd, cancelling the subject location Jaipur Bazar to Khurmuja Bazar against which the petitioner has been selected for awarding retail outlet dealership.

3. The writ petitioner herein was selected for allotting a retail outlet of petroleum dealership in the site indicated at Sl. No.81 of the Advertisement Notice dated 25.11.2018, which was on a rural road. After the selection was made, a complaint was lodged by an outsider stating that the location was not on a rural road, but it is on a State Highway. As such, the selection of the petitioner for setting up the retail outlet dealership was cancelled by the impugned communication dated 11.06.2020. Hence, this writ petition.

4. Pertinent that another writ petition being WP(C) No.4787/2022 was filed by one Tapan Kumar Nath, who was selected for allotment of a retail outlet of petroleum dealership against the same Advertisement Notice dated 25.11.2018 in the site indicated at Sl. No.80. In the aforesaid writ petition, the respondent No.6 (PWD) had filed an affidavit, *inter alia*, confirming that the aforesaid locations at Sl. Nos.80 and 81 falls under the category of "rural road." It further appears that in view of the aforesaid endorsement made by the respondent No.6 (PWD), this Court by judgment and order dated 27.09.2023 disposed of the aforesaid writ petition with a direction to the respondent Nos.2 & 3 to do the needful by taking note of the stand taken by the respondent No.6 (PWD) in paragraphs 7 to 9 of the said affidavit.

5. It is submitted at the Bar that the present writ petition can also be disposed of in similar lines.

6. Accordingly, I am of the considered view that in the interest of justice, this writ petition can be disposed of by directing the respondent Nos.2 & 3 to do the needful by taking note of the stand taken by the respondent No.6 in paragraphs 7 to 9 of the affidavit filed in WP(C) No.4787/2022. Accordingly, the impugned cancellation order dated 11.06.2020 is set aside and quashed in view of the aforesaid stand taken by the respondent No.6(PWD) in WP(C) No.4787/2022.

7. The writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant