

GAHC010302462019



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

Case No. : WP(C)/9111/2019

RABIA BEGUM
W/O- IQBAL HUSSAIN, A R/O- H.NO. 63 A, LANE NO.2, DR. B.BAROOAH
ROAD, ULUBARI, GHY-07, DIST.- KAMRUP (M), ASSAM, PH.NO. 7002844604

VERSUS

THE UNION OF INDIA AND 3 ORS.
REP. BY SECY. TO THE MINISTRY OF PETROLEUMS AND NATURAL GAS,
SHASTRI BHAWAN, NEW DELHI- 110001

2:BHARAT PETROLEUM CORPORATION LT.
GUWAHATI RETAIL TERRITORY OFFICE 1ST FLOOR
NEXIA PARK
G.M.C.H. ROAD
CHRISTIAN BASTI
GHY
KAMRUP (M)
ASSAM

3:HEAD OF TERRITORY OFFICER
BHARAT PETROLEUM CORPORATION LT. GUWAHATI RETAIL TERRITORY
OFFICE 1ST FLOOR
NEXIA PARK
G.M.C.H. ROAD
CHRISTIAN BASTI
GHY
KAMRUP (M)
ASSAM

4:LAND EVALUATION COMMITTEE
BHARAT PETROLEUM CORPORATION LT. GUWAHATI RETAIL TERRITORY
OFFICE 1ST FLOOR

NEXIA PARK
G.M.C.H. ROAD
CHRISTIAN BASTI
GHY
KAMRUP (M)
ASSA

For the Petitioner(s) : Mr. A. Tewari, Advocate

For the Respondent(s) : Mr. S. Borthakur, Standing Counsel
: Mr. S. S. Roy, CGC

Date of Hearing : **17.07.2024**

Date of Judgment : **17.07.2024**

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

JUDGMENT AND ORDER (ORAL)

Heard Mr. A. Tewari, the learned counsel appearing on behalf of the Petitioner and Mr. S. S. Roy, the learned CGC appearing on behalf of the Respondent No.1. I have also heard Mr. S. Borthakur, the learned Standing counsel appearing on behalf of the Respondent Nos. 2 to 4.

2. The Petitioner herein is aggrieved by the action on the part of the respondent authorities in rejecting its application for award of the Retail Outlet Dealership from Nilbagan to Murajhar Post office on SH-19 (Howraghat Road) in the district of Hojai under the open category which was advertised on 25.11.2018.

3. It is seen from the materials on record that the Petitioner pursuant to the advertisement which was issued on 25.11.2018 submitted her application and also offered her leasehold land. The Respondent Authorities have conducted a

Draw of Lots and selected the Petitioner preliminarily subject to verification of documents and the land vide the communication dated 14.02.2019. Subsequent thereto, the Petitioner was duly informed that the Land Evaluation Committee would visit the location of the land in question.

4. It has been specifically averred in the writ petition that the member of the Land Evaluation Committee duly came to the land but did not make any measurement. Be that as it may, on the ground that the land did not need the dimension of 35 metres frontage and 35 meters in depth, the candidature of the petitioner was rejected vide the impugned communication dated 20.11.2019 and it is under such circumstances the Petitioner being aggrieved has approached this Court.

5. It is relevant to mention that the Petitioner pursuant to the impugned communication dated 20.11.2019 has carried out a measurement through a registered survey wherein it was certified that the land in question had 37.5 metres in frontage and 40 metres in depth.

6. Mr. A. Tewari, the learned counsel for the Petitioner submits that the Respondent Authorities in spite of the issuance of notice neither filed any affidavit nor have denied to the contentions so made in the writ petition.

7. This Court has also heard Mr. S. Borthakur, the learned Standing counsel appearing on behalf of the Respondent Nos. 2, 3 and 4. The issue which is involved in the instant writ petition is as to whether the land which was offered meets the requirement as per the advertisement which is 35 metres having frontage and 35 metres in depth. The said issue can very well be settled by a re-verification made by the Land Evaluation Committee in presence of the Petitioner.

8. Accordingly, this Court disposes of the instant writ petition by interfering with the communication dated 20.11.2019 thereby directing the Land Evaluation Committee of the Respondent No.2 to carry out verification of the land measurement details and thereupon take a decision as to whether the land in question so offered by the Petitioner meets the requirement in terms with the advertisement. In the circumstance, the said verification so conducted shows that the land does not meet the required measurement area as stipulated in the advertisement, the Respondent Authorities would be liberty to pass appropriate orders. It is however observed that in the circumstance such orders are passed which are prejudicial to the interest of the Petitioner, the Petitioner would be at liberty to approach this Court.

9. With above observations and directions, the instant petition stands disposed of.

10. Interim order passed earlier stands vacated.

JUDGE

Comparing Assistant