

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1036 of 2014

Vijay Kumar Jha, S/o Sri Abhay Kant Jha, Resident of Village & P.O. Habi
Bhouar, P.S. Bahera, District Darbhanga

.... Petitioner

Versus

1. The Managing Director, Indian Oil Corporation Ltd., Indane Area Office,
Barauni Oil Refinery, Begusarai (Bihar).
2. The Area Manager, Indian Oil Corporation Ltd., Indane Area Office, Barauni
Oil Refinery, Begusarai (Bihar).

.... Respondents

Appearance :

For the Petitioner : Mr. Bimal Kumar Jha, Advocate

For the Respondents: Mr. K.D. Chatterji, Sr. Advocate

Mr. Amlesh Kumar Varma, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-11-2015

The present writ petition has been filed for quashing the letter dated 30.11.2013 issued by the respondent-Area Manager (Annexure-5) rejecting the petitioner's application and the subsequent allotment process effected by the respondents for grant of distributorship under the Rajiv Gandhi Gramin LPG Vitrak (for short, 'RGGLV').

2. Learned counsel for the petitioner submits that the application for the distributorship under RGGLV has wrongly been rejected assigning the reason that the petitioner did not have own land for godown in the advertised location. It is stated that various documents and rent receipts have been submitted including an affidavit wherein the father of the petitioner, in whose name the land

in question is claimed to have been mutated, had given consent in favour of the petitioner.

3. Learned senior counsel for the respondent-Indian Oil Corporation opposes the writ petition and invites attention to column no. 9 of the petitioner's application form wherein the name of the owner of the land was shown as Late Udneshwar Jha who is said to be the petitioner's grand-father, but however the date of mutation was left blank and such defect was fatal to the application. It is further pointed out that the affidavit in question sworn by the petitioner's father has also been signed by the petitioner himself and in any event, the relevant mutation certificate has also not been brought on record to establish that the land had in fact been mutated in the name of the petitioner's father prior to the date of application.

4. Having heard the parties and on careful consideration of the materials on record, this Court is of the view that the writ petition cannot succeed, the objection raised by the respondent-Corporation having not been disputed by learned counsel for the petitioner. Apart from the application being defective by reason of absence of relevant particulars being mentioned in column 9, the mutation certificate was also not placed by the petitioner in support of his claim that the land had been mutated in the name of the petitioner's father prior to the date of application.

5. In the above view of the matter, the writ petition is devoid of merit and is dismissed.

(Vikash Jain, J)

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