

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2975 of 2015

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1. Abhay Shankar son of Sri Navin Prasad Singh resident of village--
Galimpur, P.O. Lohchi, P.S- Kharagpur, District- Munger.

.... Petitioner

Versus

1. The State of Bihar
2. The Sub divisional Officer, Haveli Kharagpur, District- Munger.
3. The Circle Officer, Haveli Kharagpur, District- Munger.
4. The Block Development Officer, Haveli Kharagpur Block, District -
Munger.
5. The Area Manager, Indian Oil Corporation Limited (M.D.), Indane Area
Office, Begusarai, P.O. - Barauni Oil Refinery, District - Begusarai.(Bihar)

.... Respondents

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Appearance :

For the Petitioner : Mr. Siaram Shahi & Ram Sevak Choudhary
Advocates

For the IOCL : Mr. Anil Sinha, Advocate.

For the State : Mr Rakesh Kumar Sinha, AC to GP-3

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 13-08-2015 Heard Mr. Siaram Shahi for the petitioner, Mr. Anil

Sinha for the respondent- Indian Oil Corporation (for short ‘the

IOC’) and AC to GP-3 for the State.

Considering the order this Court proposes to pass it is

not found expedient to adjourn the matter permitting the parties

to exchange pleadings.

The petitioner applied on the basis of an affidavit

affirmed by the landlord of the petitioner (part of Annexure-1)

for grant of residential certificate. An enquiry appears to have

been made and based thereon the residential certificate dated



17.3.2011 (Annexure-2) was issued by the respondent –Block Development Officer , Haveli Kharagpur. The case of the petitioner is that armed with this residential certificate he became an applicant for LPG distributorship under the R.G.G.L.V. scheme of the respondent –IOC. A draw of lot was held in which the petitioner was declared successful . There is no dispute between the parties that an applicant for dealership under R.G.G.L.V. scheme should be the resident of the area/location as per the advertisement. Subsequently, the Sub Divisional Officer by an order dated 5.9.2013 directed the Block Development Officer Kharagpur to cancel the residential certificate issued in favour of the petitioner for the reasons stated therein. It appears therefrom that the authority took the view that the father of the petitioner had actually purchased/acquired the land in 26.3.2011 whereas the residential certificate was granted on 17.3.2011. It is contended that in the light of the said order Block Development Officer by order dated 3.10.2013 (Annexure-9) cancelled the residential certificate issued in favour of the petitioner. Consequently, the application has been held ineligible by the respondent –IOC for the dealership.

I have heard the parties.

It does not appear from the Annexure-8 as also from



the other relevant documents that opportunity of hearing and/or submission of explanation was given to the petitioner before directing for cancellation of residential certificate. Grant of such residential certificate in favour of the petitioner is a privilege based whereon the petitioner applied and was declared successful for dealership under R.G.G.L.V. scheme. If the respondents want to cancel /withdraw the residential certificate it is expected at the least to do so but after complying with the rules of natural justice by giving an opportunity to the petitioner to show cause against such action. Viewing the case from this angle, in my view, the writ application is fit to be disposed of by the following order:-

Let the petitioner file his representation setting out all relevant facts in support of grant of residential certificate (Annexure-2) whereafter the respondent Sub Divisional Officer shall consider the same and pass a fresh order with respect to the residential status of the petitioner in accordance with law. Mr. Shahi states that such application/representation shall be filed within 03 weeks before the respondent –Sub Divisional Officer for consideration before taking a fresh decision with respect to the residential status/certificate of the petitioner. Needless to observe that if the petitioner does so, the respondent Sub Divisional Officer shall consider the same and take appropriate decision

afresh thereon as quickly as possible preferably within 04 weeks of such filing. Whether personal hearing shall be given to the petitioner or not is left to the wisdom of the respondent- Sub Divisional Officer. The consequential order (Annexure-9) passed by the Block Development Officer shall abide by the order to be passed by the Sub Divisional Officer in the light of the present order.

The writ application is disposed of.

Before parting with the record, this court would record the stand of Mr. Anil Sinha that the respondent –IOC shall not proceed further with selection of fresh candidate for a period of 06 weeks from today, if it has not already been done.

(Kishore Kumar Mandal, J)

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