

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13139 of 2013

=====

Manisha Nain wife of Shri Abhay Kumar Aman, resident of village- Mohanpur,
Post Office- Daulatpur, Police Station- Khodawandpur, District- Begsrai.

.... Petitioner

Versus

1. The Union of India through the Secretary, Department of Petroleum and Natural Gas, New Delhi.
2. The Managing Director, Indian Oil Corporation Limited, Indian Oil Bhawan, G-9, Ali Yawar Jang Marg, Bandra (East), Mumbai- 400051
3. The General Manager, Indian Oil Corporation Limited, Loknayak Jaiprakash Bhawan (5th Floor), Dak Bunglow Chowk, Patna-800001.
4. The Senior Area Manager, Indian Oil Corporation Limited, Marketing Division, Eastern Range, Shahi Bhawan, Exhibition Road, Patna.
5. The Chief Area Manager, I.O.C.Ltd. Patna (A.O), First Floor Shahi Bhawan, Exhibition Road, Patna (PS. Gandhi Maidan) District Patna.
6. The Assistant Manager (C.S.C), I.O.C.Ltd. Patna (A.O) First Floor Shahi Bhawan, Exhibition Road, Patna, P.S. Gandhi Maidan, District Patna
7. The Assistant Manager (F) I.O.C.Ltd., Patna (A.O) First Floor Shahi Bhawan, Exhibition Road, Patna, P.S. Gandhi Maidan, District Patna.
8. The Area Manager, Indian Oil Corporation Limited (M.D) Indane Area Office, Begusarai, Post Office- Barauni Oil Refinery, District- Begusarai- 851114

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Zeyaul Hoda, Advocate
For the Respondents: Mr. K.D. Chatterjee, Sr. Advocate
Mr. Anil Kumar Sinha,
Mr. Amlesh Kumar Varma, Advocates

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-08-2015

The present writ petition has been filed for quashing the Letter No. BAO/66R dated 21.05.2013 issued under the signature of Area Manager, Indian Oil Corporation Limited (M.D.), Indane Area Office, Begusarai (respondent no.8) as contained in Annexure-8, whereby and whereunder it has been intimated to the petitioner that her application for Rajiv Gandhi Gramin L.P.G Vitrak (R.G.G.L.V.)



location Khudawandpur, Kursaha, Mohanpur, Fatehpur, District Begusarai under open category advertised on 28.02.2011 has been rejected for the reason that the petitioner could not produce documents showing ownership of the land offered by her for godown vide Khesra No.553, as on the date of application either by herself or by any member of her family unit as applicable during field verification, and for connected reliefs.

2. In pursuance of one of the conditions of the advertisement dated 28.02.2011 under which the petitioner applied on 26.03.2011 for the retail outlet, the petitioner offered a piece of land measuring 24 meter x 20 meter of Khesra No.553 of Mohanpur which came to belong to her consequent upon family partition dated 25.01.2011. In support of her claim, she furnished documents such as Memorandum of Partition dated 25.01.2011, Land Possession Certificate dated 25.03.2011 and an order dated 13.02.2012 passed by the Deputy Collector, Land Reforms, Manjhaul in Land Dispute Resolution Case No. 12 of 2012 in which the oral family partition was recognized.

3. Learned senior counsel for the petitioner submits that the documents furnished by her were sufficient to establish her as the owner of the land in question and she has wrongly been disentitled from the dealership in terms of the impugned order dated 21.05.2013

on the ground that she had failed to produce the documents showing ownership of the said land as on the date of application; as also that in respect of the alternative land offered by her, she could not establish her ownership thereof.

4. Learned counsel for the respondent-Indian Oil Corporation Limited, on the other hand, opposes the writ petition submitting that the petitioner has rightly been denied the dealership. He invites attention to the petitioner's application form wherein the petitioner claimed the offered land as belonging to herself and in the relevant column she mentioned the date of registration of sale deed/gift/date of mutation as 24.03.2011, which has not been annexed in the writ petition. It is submitted that none of the documents relied upon by the petitioner was relevant. He invites attention to the terms of the advertisement which clearly state that the documents required to be furnished in respect of the offered land could only be by way of registered sale deed/gift deed/mutation or Government records, the date whereof was required to be prior to the date of the application.

5. It is also pointed out by learned counsel for the respondents that the land possession certificate dated 25.03.2011 relied upon by the petitioner itself discloses that the mutation of the concerned land stood in the name of the petitioner's maternal great-grand-father. Reliance has been placed on the decision of this Court

dated 17.08. 2015 in CWJC No. 21574 of 2013 (Amit Kumar Singh Vs. The Indian Oil Corporation & others) wherein on similar facts it was held that the offered land did not meet the requirements of the advertisement.

6. It is well settled that terms and conditions of the advertisement must be strictly adhered to and any departure therefrom is not permissible.

7. In the instant case, the petitioner has claimed the ownership of the land in question but the documents furnished in that behalf are either not prior to the date of application or are documents, such as the memorandum of partition and land possession certificate, being other than those admissible in terms of the advertisement.

8. Having regard to the entirety of the facts and circumstances of the case and in absence of the appropriate document (s) being furnished in terms of the advertisement to support the petitioner's claim of self-ownership of the land, this Court is not inclined to grant any relief to her. The writ petition, accordingly, stands dismissed.

(Vikash Jain, J)

B.T/-

U			
---	--	--	--