

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8794 of 2015

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Punam Rai Wife of Shri Pravash Kumar Rai Resident of Paltuhatta, P.S.
Jamo Bazar, Distt. - Siwan

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary
2. The District Magistrate, Siwan
3. The Sub - Divisional officer, Siwan
4. The Circle officer, Barharia, Siwan
5. Ravi Shankar Shahi Son of Late Lalan Prasad Shahi Resident of village
- Paterha, Post Paterhi, Police Station - Maharajganj, Distt. - Siwan
6. The Senior Divisional Ratail Sales Manager, India Oil Corporation Ltd.
Marketing Division, Krishna Complex, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Madhuri Lata
For the State	:	Mr. P.N. Shahi- AAG-10
		Mr. Ravindra Kumar, A.C. to AAG 10
For the IOC		Mr. Anil Kumar Sinha
		Mr. Amlesh Kr. Verma

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 04-08-2015 Heard Mrs. Madhuri Lata in support of the application,

Mr. Anil Kumar Sinha for the respondent-IOC and counsel for the

State.

The petitioner is an agnate of respondent no.5 who has
been selected by the respondent-Indian Oil Corporation (for short
'the IOC') for establishment of Kisan Seva Kendra (for short
'KSK') for a location as per the advertisement published by the
respondent IOC. One of the eligibilities required for selection of
the candidate for establishment of KSK is availability of land at

the advertised location.

The counsel for the IOC has produced a copy of the order passed in CWJC No. 17260 of 2014 (Poonam Rai @ Poonam Devi vs. The Union of India & Ors.) in order to contend that the selection of respondent no.5 for establishment of KSK was challenged unsuccessfully by the petitioner. The petitioner is not an applicant for allotment of KSK.

The present writ application has thereafter been filed challenging the communication dated 12.05.2015 (Annexure-1) by which no objection certificate has been granted by the District Magistrate in favour of respondent no.5 to establish KSK on the land appertaining to khata no.111, plot no.911 within Mauza Puraina in the district of Siwan.

It has been vehemently argued by the petitioner that the District Magistrate in the said communication has noted that the subject land is dispute free when admittedly a Title (Partition) Suit No. 98/12 is pending consideration in the court between the parties.

After hearing both sides, in my view, the writ application questioning the aforesaid communication appears to be misconceived. The communication has been addressed to the respondent-IOC in the light of the guidelines which govern the

grant of KSK to an applicant. The fact that a title (partition) suit is pending consideration between the petitioner and the allottee presupposes the title of each and every party over the subject land which now requires to be partitioned.

In view of above, no patent illegality is found in the said communication of the District Magistrate dated 12.05.2015 (Annexure-1) impugned in the present case. The application merits to be dismissed. I order accordingly.

Before parting with the records, it is clarified that the impugned order (Annexure-1) insofar as it notices the status of the land which is the subject matter of the pending title (partition) suit shall not inure to the advantage of any of the party to the pending title (partition) suit.

(Kishore Kumar Mandal, J)

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