

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8356 of 2013

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Sunita Chaudhary W/o Sri Raj Kumar Chaudhary, resident of village - Lodaurea,
P.S.- Kurhani, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The Union of India through Secretary of Petroleum, Government of India, New Delhi.
2. The Chairman, Indian Oil Corporation Limited, G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai- 400051
3. The Chief Area Manager, Indian Oil Corporation Limited, 1st Floor, Shahi Bhawan, Exhibition Road, Patna-800001
4. The Regional Sales Manager, Muzaffarpur through Chief Area Manager I.O.C., 1st Floor, Shahi Bhawan, Exhibition Road, Patna-1
5. Smt. Suman Kumari W/o Ranjit Kumar, resident of village- Ladaurea, P.S.- Kurhani, District- Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s :	Mr. N.K. Agrawal, Sr. Adv. Mr. Mukund Mohan Jha, Adv.
For the IOC :	Mr. Anil Kumar Jha, Adv. Mr. Sanat Kumar Mishra
For the Resp. no. 5	Mr. Chitranjan Sinha, Sr. Adv. Mr. Manoj Kumar Manoj, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 11-05-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is challenging the allotment of
Rajiv Gandhi Gramin LPG Vitrak (RGGLV) which was given to one
Suman Kumari, Respondent no. 5 and also prayer has been made that
a writ in the nature of mandamus be issued to the respondent to hold
an enquiry on the whole selection process of RGGLV 2011 and also
the documents which were supplied by Respondent no. 5.

It appears that an advertisement was published in the daily newspaper "Hindustan" on 26th February 2011 inviting application for dealership of LPG under the Rajiv Gandhi Gramin LPG Vitrak Yojana.

The petitioner and Respondent No. 5 applied for the same and after interview, Respondent No. 5 was selected. The petitioner was not satisfied with the same and she filed a complaint to the authority of the IOC claiming that Respondent No. 5 has wrongly shown her possession over 17 decimals of land when the revenue record itself shows that she was entitled to only 10 decimals of land in terms of entry made in revenue record. The petitioner has further stated that Land Possession Certificate granted by the Circle Officer was, later on, cancelled and as such, basis of granting of dealership to Respondent no. 5 became non-existence. Further grievance has been raised as per clause 15 (2) of the Guidelines provides, on receipt of the complaint, the authorities will be obliged to ask the complainant to produce supporting documents to substantiate grievance but in the present case, no such notice was given to her, so much so, the DCLR taking help of map title for 10 decimal of land modified to 54 decimals of land only for the purposes of depositing the revenue. Claim has been made that at the time of filing of the application, Respondent no. 5 was holding 10 decimals of land, has wrongly

shown as 17 decimals getting support from the revenue record.

The counsel for the Respondent no. 5 has submitted that the fact is otherwise, 10 decimals of land was wrongly recorded in the revenue record. In the consolidation proceeding, an application was filed under section 10 (2) of the Act and the Consolidation Officer, vide order dated 11.05.1976/ 22.05.1976, directed to make necessary correction in record of right and the land showing 10 decimals, was rectified as 54 decimals and on that basis, the counsel for the Respondent submits that it was a wrong recording in the revenue record which was later on rectified.

In view of the order passed by the Consolidation Officer which attained finality, claim of the petitioner that Respondent no. 5 was not holding a piece of 17 decimals of land is completely misconstrued and misdirected.

The counsel for the IOC submits that whatever objection filed by the petitioner was looked into and did not find any substance. In field verification, the authorities have gone there and found Respondent No. 5 was in possession of the land without any dispute or any resistance and has submitted that objection of petitioner has been disposed of, vide letters dated 15.07.2014 and 24.09.2014.

In such view of the matter, the land which has been claimed by the petitioner being 10 decimals, is washed away on

account of order of Consolidation Officer who directed for necessary correction in the Record of Right as 10 decimals was wrongly recorded in place of 54 decimals.

This Court would have remanded back the matter but the petitioner is not in a position to substantiate her claim that Respondent No. 5 was, as on today, not holding the land of 17 decimals. It is also a fact that Respondent No. 5 has already constructed a godown over the plot and running her business investing huge amount of capital without any objection and complaint, in such circumstance, merely for a satisfaction of the petitioner to remand the matter for fresh consideration will not serve the justice, that too, while exercising power under Article 226 of the Constitution of India which is discretionary in nature. It is clear from the order of Consolidation Officer as well as of LRDC, the Respondent No. 5 did not mislead the oil company showing the land having an area of 17 decimal.

In this view of the matter, even if there are some procedural error, this Court does not feel inclined to interfere when the petitioner could not point modification of order of Consolidation Officer.

In such view of the matter, this Court does not find any merit in the present case, accordingly, the same is dismissed.

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(Shivaji Pandey, J)