

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1068 of 2015

=====

Satendra Singh son of late Nageshwar Singh, resident of village Manikpur,
Police Station Mirganj, District Gopalganj

.... Petitioner

Versus

1. The State of Bihar,
2. the Collector/District Magistrate, Gopalganj, District Gopalganj,
3. The Indian Oil Corporation Limited through its Chairman/Managing Director,
4. The General Manager, Bihar State Office, Indian Oil Corporation Limited, Patna,
5. Managing Director, Indian Oil Co. Ltd., both having its registered office at G-9 Ali Yavar Jung Marg, Bandra(East), Mumbai-400051(India),
6. The General Manager, Area Office, Indian Oil Corporation Limited having its office at Lok Nayak Jai Prakash Bhawan, 5th Floor, Dak Bunglow Chowk, Patna-800001,
7. The Chief Area Manager, Patna Area Office, First Floor, Shahi Bhawan, Exhibition Road, Patna, 800001,
8. The Senior Divisional Retail Sales Manager, Indian Oil Corporation, Muzaffarpur Divisional Office Krishna Complex Akhara Ghat Road, Muzaffarpur,
9. Ranju Devi wife of Harendra Sah, resident of village Manikpur, Police Station Mirganj, District Gopalganj

,.... Respondents

=====

Appearance :

For the Petitioner : Mr. Umesh Kumar Singh
For the State : Mr. Jay Prakash Sharma, AC to GP 11
For the IOC: Mr. K.D. Chatterji, Sr. Advocate
Mr. Amalesh Kumar Verma, Advocate

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 11-02-2015

Heard learned counsel for the parties.



Petitioner seeks direction to the Indian Oil Corporation not to grant the Kisan Sewa Kendra Retail Outlet under PH(W) category to the respondent no. 9 till the disposal of Title Suit No. 99 of 2012. He also seeks direction restraining the respondent no.2 from issuance of “no objection certificate” regarding establishment of Kisan Sewa Kendra.

However, the petitioner has already filed Title Suit No. 99 of 2012 in which he had filed a petition for grant of temporary injunction which was refused and, against such order, Miscellaneous Appeal No. 5 of 2013 is pending before the District Judge, Gopalganj.

In my considered opinion, this Court cannot decide question of title in this proceeding which is to be considered in a title suit only. In the aforesaid background of matter, no direction can be given to the Indian Oil Corporation to act in a particular manner when the title suit and appeal are pending.

So far the Collector, Gopalganj is concerned, the petitioner has filed a representation before him for not issuing “no objection certificate” for establishment of Kisan Sewa Kendra upon the concerned land but it is said that he has not taken any decision.

In my opinion, the Collector, Gopalganj (respondent no. 2)

should dispose of the representation filed by the petitioner on its own merit and in accordance with law expeditiously.

Accordingly, this writ application stands disposed of with the direction as indicated above.

However, it is made clear that this Court has not expressed or formed any opinion with respect to the merit of the case of the petitioner.

(Dr. Ravi Ranjan, J)

SC/-

U			
---	--	--	--