

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10473 of 2011

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Anil Kumar Singh S/O Shri Laxaman Singh, resident of Village- Krishana Brahm,
P.O.- Tudiganj, P..S- Krishnabrahm, Distt.- Buxar

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue, Govt. Of Bihar
2. General Manager, Indian Oil Corporation Ltd.(I.O.C.L) Lok Nayak Jai Prakash Bhawan 5th Floor, Dak Bunglow Chowk, Patna
3. Senior Area Manager, Indian Oil Corporation Ltd. First Floor Shahi Bahwan Exhibition Road, Patna
4. Deputy Manager (Customer Relationship) Indian Oil Corporation First Floor, Shahi Bhawan Exhibition Road, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Pandey, Advocate.
For the State : Mr. Anurag Saurav, AC to SC-20
For IOCL : Mr. Anil Kumar Jha, Sr. Advocate.
Mr. Sanat Kumar Mishra, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-10-2015

Heard learned counsel for the petitioner and learned
Counsel for the respondent Corporation.

2. The present writ petition has been filed for
quashing the letter No. PAT/RGGLV/158 dated 18.05.2011
(Annexure-11) issued from the office of Sr. Area Manager,
Indian Oil Corporation Limited, Respondent No. 3, whereby the
candidature of the petitioner for the award of distributorship of
Rajiv Gandhi Gramin L.P.G. Vitarak (R.G.G.L.V.) has been
cancelled.

3. It is submitted on behalf of the petitioner that in



terms of the advertisement dated 17.10.2009, he applied and was selected for the distributorship, having offered, *inter alia*, land for godown as required. The Land Possession Certificate enclosed with the application form described the situation of the land to be in Mauza Tudiganj, which has however wrongly been held not to have met the requirements of the eligibility criteria, as the land for godown was required to be located in Krishnabrahm being the advertised location in terms of the advertisement. It is submitted that the land situated in Krishnabrahm has been described to be in Mauza Tudiganj being the revenue village, as Krishnabrahm was a new developed village falling within Mauza Tudiganj and as such the petitioner ought not to have been held to be ineligible on that account.

4. A counter affidavit has been filed on behalf of the respondent Corporation making a clear, specific and unequivocal statement that the land of the writ petitioner was not situated in the advertised location of Krishnabrahm village as required in terms of the advertisement. It is further pointed out that in an earlier writ petition in C.W.J.C. No. 8854 of 2010 filed by Indu Singh and Bajrang Kumar Singh against the petitioner's candidature wherein the petitioner was impleaded as a respondent, it had been stated in the writ petition that the location of Krishnabrahm fell within the village Panchayat Naon.

As such no fault can be found with the impugned order dated 18.05.2011.

5. Having heard the parties and on consideration of the materials on record, this Court finds that the issue relating to the situation of the petitioner's land involves a disputed question of fact on which the parties are clearly at variance. The impugned order has been passed on the basis of Field Verification, when it was found that the land in question was not situated at the advertised location of Krishnabrahm. A clear statement to the above effect has also been made in the counter affidavit, a copy whereof was served on the petitioner as far back as in June, 2012, but no rejoinder thereto has been filed by the petitioner.

6. Considering the disputed question of fact, no relief can be granted to the petitioner by this Court in its writ jurisdiction. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/-

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