

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.870 of 2004

Arising out of

Civil Writ Jurisdiction Case No. 15396 of 2001

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Vijay Kumar Singh son of late Babu Ram Singh, resident of Village Chakna (a),
P.O. and P.S. Siwan (M) District Siwan.

.... (Respondent No. 3-Petitioner).... Appellant

Versus

1. Indian Oil Corporation Ltd. (Assam Oil Division) through its Commercial Manager, Calcutta.
2. The Senior Commercial Manager, Indian Oil Corporation Ltd. (Assam Oil Division) Everest building, second floor, C, Chawarangee Road, Calcutta-700 071.
3. The Secretary, Dealer Selection Board, Patna-3, Hindustan Petroleum Ltd. Corporation, 6th Floor Lok nayak Bhawan, Dak Bunglow Chowk, Patna-1.

.....(Respondent Nos. 1, 2 and 3)..... Respondent Nos. 1, 2 and 3

4. Mostt. Indu Sinha, daughter of late Braj Kishore Shani, resident of Village – P.O. Balthari, P.S. Kuchaikote, District Gopalganj, Pin Code 841503

.....(Petitioner)Respondent No. 4

5. Kumar Ashok son of Shri Rama Shankar Pd. C/o Anil Kumar Ajay Kumar resident of Galla Mandi, Siwan, Merchantand Common Agent, Naya Bazar, Galla Mandi, Siwan, District Siwan.

.... (Respondent No. 5) Respondent No. 5

With

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Letters Patent Appeal No. 888 of 2004

Arising out of
Civil Writ Jurisdiction Case No. 4710 of 2001

Vijay Kumar Singh son of late Babu Ram Singh, resident of Village Sarawe, P.O.
& P.S. Siwan (M), District Siwan.

.... (Respondent No. 3).... Appellant

Versus

1. Indian Oil Corporation Ltd., Eastern Region, Maurya Lok Complex, Dak Bungalow Road, Patna-1, through its Deputy General Manager.
2. The Chairman Dealer Selection Board, Patna-3, Lok Nayak Jaiprakash Bhawan, 6th Floor Dak Bungalow, Crossing, Patna-800 001.

.....(Respondent Nos. 1 and 2)..... Respondent Nos. 1 and 2

3. Kumar Ashok Son of Sri Ramashankar Prasad, resident of C/o Anil Kumar – Ajay Kumar, Naya Bazar, Galla Mandi, P.S. Siwan, District Siwan.

.... (Petitioner).... Respondent No. 3

Appearance :

(In LPA No. 870 of 2004)

For the Appellant/s :

For the Respondent/s :

(In LPA No. 888 of 2004)

For the Appellant/s :

For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE V.N. SINHA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 15-04-2015

In both these appeals counsel for the appellant is present. None appear for the Indian Oil Corporation Limited though Mr. Mukesh Kumar Modi appeared for the Corporation by filing vakalatnama.

2. These two Letters Patent Appeals are directed against the order dated 10.08.2004 passed by the learned Single Judge in CWJC Nos. 4710 and 15396 of 2001 whereunder selection of the appellant as the Dealer to operate retail outlet at Jalalpur crossing in the district of Gopalganj pursuant to advertisement (Annexure-1) has been set aside directing the respondent Corporation to proceed afresh for allotment of the dealership in question in accordance with the Rules and to consider the case of the appellant, the private respondents and others.

3. Aforesaid order of the learned Single Judge was stayed by the Division Bench under order dated 27.03.2006. Learned counsel for the appellant has no instruction about the developments made after the order under appeal was stayed by the Division Bench. In case after stay of the order by the Division Bench the appellant has been allowed to establish the retail outlet in question then the prayer made in the appeal has become infructuous as none has appeared on behalf of respondent no. 4 Mostmat Indu Sinha writ petitioner to

oppose the prayer made in the appeal to set aside order dated 10.08.2004 passed in CWJC Nos. 4710 and 15396 of 2001 and the consequence of the interim stay order. Counsel for the appellant has no instructions and the retail outlet has not been established by the appellant then the Indian Oil Corporation Limited shall proceed in accordance with law and ensure establishment of the retail outlet in question as per the Rules.

4. Both these appeals are disposed off in the aforementioned terms.

(V.N. Sinha, J)

(Ahsanuddin Amanullah, J)

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