

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13558 of 2009

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Mr.Ranjit Kumar Singh S/O Sri Nand Kishore Singh Proprietor M/S Maa Vindhyavasini Services, Petroleum Retail Outlet Of Vill.- Bishambharpur Khutauna, P.O.- Harka Mansahi, P.S.- Minapur, Distt.- Muzaffarpur

.... Petitioner

Versus

1. The Union Of India Through The Secretary Oil & Natural Gas Commission Office At Secretariate, New Delhi, India
2. The G.M. B.P.C.L. Bharat Bhawan, Eastern Regional Office, Plot No. 31, Kit Scheme No. 118, (Near Doordarshan Kendra), Prince Golam Mohammad Shah Road, Kolkata- 700095
3. The Territory Manager (Retail) Bharat Petroleum Corporation Ltd., Barauni Territory, N.H.-31, P.O.- Papraur, Distt.- Begusarai
4. The Deputy Manager Bharat Petroleum Corporation Ltd. Sales (Retail), Muzaffarpur Distt.- Muzaffarpur
5. Marketing Manager Bharat Petroleum Corporation Ltd., P.Q. Laboratory, Patna Distt.- Patna

.... Respondents

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Appearance :

For the Petitioner/s : Dr.Shashi S.Kishore
Mr. M.K.Choudhary
Mr. Shivpujan Sahay

For the Respondent/s : Mrs. Kanak Verma, CGC
Mr. Sanjay Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 30-01-2015 Heard learned counsel for the parties.

Having regard to the fact that this writ application was filed on 13.10.2009 seeking the following relief:

“i) To direct the respondent authority to issue necessary order against the proposed Petroleum Retail Outlet which is stated in Column 37 of the advertisement dated 11.7.2009 published in Hindustan (Dainik) Newspaper, by which the Petroleum Retail outlet of the petitioner may be affected.

In view of the fact that as per the projected Petroleum Retail Outlet of the respondents by the advertisement dated 11.7.2009 by its Column 37 that the said project was for ‘Gramin’ but in otherhand in the general category

Petroleum Retail Outlet of the petitioner related to Hindustan Petroleum is running just 150 to 180 meters of distance from the said projected place.

It is further relevant to state here that there is full fledged and general Petroleum Retail Outlet is running there but by a surprising manner, the respondents are trying to plant their project under heading 'Gramin' purposes."

when the learned counsel for the petitioner is even unaware as to whether in pursuance of the aforementioned advertisement any fresh allocation of petroleum outlet was made to any person, the plea of the petitioner being prejudiced on account of such advertisement because of the proximity of his own petroleum outlet functioning at a distance of 150-180 yards will be of no avail.

It has to be kept in mind that if the allotment has not been made as yet the petitioner will have no cause of action and if such allotment has already been made pursuant to the advertisement in the year 2009 and the petitioner's business has survived in next five years, that itself will be a good ground to show that the petitioner has come out before this Court with a feigned grievance. Either way this application must fail and is, accordingly, dismissed.

surendra/-

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(Mihir Kumar Jha, J)