

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3606 of 2012

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Ravindra Ram son of Sri Ram Behadur Ram resident of Village- Bijaipur, P.O. & P.S.- Bijaipur, District- Gopalganj

..... Petitioner

Versus

1. The Union of India through the Secretary Petroleum and Gas Ministry, Government of India, New Delhi
2. The Managing Director, India Oil Corporation Limited, G.I. Ali Yaven Mund Marg, Bondra (East), Mumbai.
3. The General Manager, India Oil Corporation Limited, Lok Nayak Jai Prakash Bhawan, 5th Floor, Dak Bunglow Chowk, Patna, Bihar
4. The Senior Area Manager, Indian Oil Corporation Limited, First Floor, Shahi Bhawan, Exhibition Road, Patna
5. The Area Manager Indian Oil Corporation, First Floor, Shahi Bhawan, Exhibition Road, Patna

..... Respondents

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Appearance:

For the Petitioner : Mr. Dhaneshwar Prasad Gupta, Adv.
For the IOCL : Mr. Anil Kumar Sinha, Adv.
Mr. Amlesh Kumar Verma, Adv.
Mr. Abhimanyu Deo, Adv.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-08-2016

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 dated 06.01.2011 issued by the Senior Area Manager, Indian Oil Corporation Limited, Patna (respondent no. 4), by which the candidature of the petitioner for award of distributorship under the Rajiv Gandhi Gramin L.P.G. Vitrak Scheme (hereinafter referred to as “RGGLV”) was cancelled.



3. It is submitted on behalf of the petitioner that the respondent Corporation has arbitrarily cancelled the candidature of the petitioner for the award of RGGLV, erroneously holding that the petitioner was not a resident of the advertised location, Vijaypur, and that the land offered for godown was not in the advertised location nor suitable as there was no approach road connecting the land.

4. Learned counsel for the respondent Corporation, on the other hand, submits that the candidature of the petitioner has rightly been rejected and the Corporation has acted in a fair and transparent manner. The documents enclosed by the petitioner with his application form clearly show that he is a resident of Mandar Khas as evident from the residential certificate dated 17.09.2008 (Annexure-R/1 series to the counter affidavit) which was submitted with the petitioner's application and thus the petitioner was not a resident of the advertised location. Moreover, the land offered by the petitioner admittedly did not have proper approach road as found at the time of field verification which stands admitted by the petitioner in terms of his letter dated 09.03.2011 (Annexure-7). The petitioner then offered an alternate plot of land with proper approach road which is however not admissible as the Corporation is bound to consider the offered land in terms of the application and no additional information/documents are acceptable thereafter. It is further stated that the location in question has been readvertised on 26.02.2012 and since commissioned in October, 2015

in the name and style as “Bijaypur Indane Gramin Vitrak” which has not been challenged by the petitioner.

5. Having heard the parties and on consideration of the materials on record, this Court finds the writ petition to be completely devoid of merit. If the residential certificate of the petitioner dated 17.09.2008 showed the petitioner to be a resident of Mandar Khas, the respondent Corporation cannot be faulted for proceeding on that basis. The stand of the respondents has not been controverted inasmuch as no rejoinder has been filed by the petitioner. The Corporation cannot thus be said to have acted arbitrarily or illegally in not entertaining additional documents relating to the plot of land with the approach road but which had not been offered in the petitioner’s application.

6. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Md. Ibrarul / Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.