

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23983 of 2013

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Sameer Kumar Singh son of Sri Subhash Prasad Singh, resident of Village-Datarpur, P.O.- Datarpur, P.S.- Datarpur, District- Banka

.... Petitioner

Versus

1. Hindustan Petroleum Corporation Ltd. (A Government of India Enterprises) having its Registered Office At 17, Jamshed Jee Tata Road, Mumbai- 400020 through its Senior Regional Manager, Hindustan Petroleum Corporation Ltd., Patna LPG Region, 6th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna.
2. Senior Regional Manager, Hindustan Petroleum Corporation Ltd., Patna LPG Region, 6th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna.
3. D.G.M., L.P.G., S.B.U. (East Zone) Industry House, 7th Floor 10, CAMAC, Street, Kolkata- 70017.
4. Circle Officer, Circle Office, Barahat, District- Banka
5. Deepak Choudhary son of Nawal Kishore Choudhary, resident of Village-Aketi, P.S.- Barahat, District- Banka

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Rajendra Narayan, Sr. Adv. Mr. Rajiv Kumar Singh, Adv.
For the HPCL	:	Mr. Sanjay Kumar Mishra, Adv.
For the Resp. no. 5	:	Mr. Anand Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-08-2016

Heard learned counsel for the petitioner and for the respondents.

2. The present writ petition has been filed for quashing the letter/order dated 08.10.2013 (Annexure-18) issued by the Senior Regional Manager, Hindustan Petroleum Corporation Ltd., Patna (respondent no. 3), rejecting the complaint of the petitioner against the allotment of L.P.G. distributorship under the Rajiv Gandhi Gramin L.P.G. Vitrak (hereinafter "R.G.G.L.V.") Scheme at Barahat under the district of

Banka to Deepak Chaudhary (respondent no. 5).

3. Mr. Rajendra Narayan, learned senior counsel appearing on behalf of the petitioner makes a short submission in support of his contention that the respondent-Corporation has been acting illegally and arbitrarily in the matter of awarding the distributorship under R.G.G.L.V. Scheme in favour of respondent no. 5. It is pointed out that pursuant to the order of this Court dated 07.08.2013 passed in C.W.J.C. No. 15177 of 2010 the petitioner approached the Senior Regional Manager, HPCL with a representation dated 20.08.2013, pointing out that the respondent no. 5 had earlier offered a land bearing Khata No. 654, Khesra No. 3539, but the same was subsequently substituted with another plot of land bearing Khata No. 69/270, Khesra No. 3119/1607 which was impermissible in view of the specific bar in clause 14(*kha*) of the advertisement.

4. Learned counsel for the respondent Corporation, on the other hand, submits that pursuant to the aforesaid order of this Court dated 07.08.2013, the representation dated 20.08.2013 filed by the petitioner was duly disposed of in terms of the impugned order dated 08.10.2013, *inter alia*, stating that the respondent no. 5 had offered land falling under Khata No. 69, Khesra No. 3119 in his application. It is therefore submitted that the petitioner's stand that the respondent no. 5 had earlier offered a plot of land bearing Khata No. 654, Khesra No. 3539 is wholly incorrect. In support thereof, a copy of the application

form has been enclosed (Annexure-C to the counter affidavit).

5. Having heard the parties and on careful consideration of the materials on record, this Court does not find merit in the writ petition. The copy of the application form of the respondent no. 5 as brought on record discloses that the plot of land bearing Khesra No. 3119 had been offered by the respondent no. 5 in the first instance itself. This aspect of the matter has not been disputed by the petitioner as no rejoinder to the said counter affidavit has been filed. In that view of the matter, this Court is not inclined to interfere in the matter in its extraordinary writ jurisdiction, more so as the nature of the grievance raised by the petitioner and the opposing stand of the respondent Corporation involve adjudication of disputed questions of fact.

6. The writ petition is accordingly dismissed.

(Vikash Jain, J)

Md. Ibrarul/-B.T.

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	31.08.2016
Transmission Date	N/A