

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17038 of 2011

Abhishek Kumar S/O Sri Ram Niwash Singh Resident of Village-Singh Kalan,  
Ara, Police Station-Ara (Town), District-Bhojpur at Ara.

.... .... Petitioner

Versus

1. The Indian Oil Corporation Ltd. Through Its Chairman, G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai-400051 (India).
2. The Chairman, the Indian Oil Corporation Ltd., G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai-400051 (India).
3. The General Manager, The Indian Oil Corporation Ltd., Lok Nayak Jai Prakash Bhawan, 5th Floor, Dak Bungalow Chowk, Patna-800001 (Bihar).
4. The Senior Divisional Retail Sales Manager, The Indian Oil Corporation Limited (Market Division), 3-A, Maurya Lok Complex, Dak Bungalow Road, Patna-800001.
5. The State of Bihar through The Chief Secretary, Bihar, Patna.
6. The District Magistrate, Bhojpur at Ara.
7. Mritunjay Kumar Dubey S/O Chandramani Dubey Village & P.O.-Phuha, Police Station-Barahra, District-Bhojpur at Ara.

.... .... Respondents

**Appearance:**

|                    |   |                                                                                                   |
|--------------------|---|---------------------------------------------------------------------------------------------------|
| For the Petitioner | : | Mr. Bindhyachal Singh, Advocate<br>Mr. Satya Prakash, Advocate<br>Mr. Manish Prakash, Advocate    |
| For the Resp. IOCL | : | Mr. Anil Kumar Sinha, Advocate<br>Mr. Amlesh Kumar Verma, Advocate<br>Mr. Ankit Katriar, Advocate |
| For the State      | : | Mr. Binod Kumar Yadav, AC to SC 18                                                                |

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

**Date: 25-07-2016**

Heard learned counsel for the petitioner and learned counsel  
for the respondents.

2. The present writ petition has been filed for directing the  
respondent to provide a copy of the result published on the basis of the  
interview dated 30.12.2010 for award of Kisan Seva Kendra dealership  
of M/s Indian Oil Corporation Ltd. at location Babura, Dist. Bhojpur  
(Bihar) and the consequential Letter of Intent (LOI) issued in favour of

the private respondent by the Corporation; and for quashing of the aforesaid results whereby the private respondent has been awarded the Kisan Seva Kendra dealership in question by issuance of a Letter of Intent; and for connected reliefs.

3. Learned counsel for the petitioner submits that the Corporation has acted arbitrarily and in violation of the terms and conditions of the advertisement for award of dealership of Kisan Seva Kendra retail outlet in favour of the private respondent no. 7, who had initially offered Plot No. 6442((P), Khata No. 3091(P) and subsequently changed the same by offering Plot No. 6438(P), Khata No. 2161(P). Moreover, it is submitted on the basis of information received under the Right to Information Act that the land of the respondent no. 7 is situated at a four lane highway whereas the advertisement clearly contemplated that the land of the candidates cannot be situated on National/State Highways.

4. Learned counsel for the respondents, on the other hand, submits that the Corporation has duly acted in accordance with the guidelines and procedures. It is pointed out that copies of the lease deeds relating to both plots of land offered by the respondent no. 7 had been submitted with the application form and it is not a case of subsequent change of the land by the respondent no. 7. Moreover, it is stated that the bar in commissioning of retail outlets is in respect of the land situated on a National Highways/State Highways, whereas in the instant case this condition is not violated. As informed by the office of

Assistant Engineer, Path Awar Pramandal, Koilwar (Ara) vide IOC's letter dated 08.04.2011, it has been confirmed that the subject road relating to the land of the respondent no. 7 continues to be a Major District Road (MDR) and not a National Highway or State Highway.

5. Having heard the parties and on a careful consideration of the materials on record, this Court finds the writ petition to be devoid of any merit. The petitioner has been unable to dispute the stand of the Corporation that the respondent No. 7 had offered both plot of lands namely, Plot No. 6442((P) and 6438(P) in the application form and that it was not a case of subsequent change. The relevant land of the respondent no. 7 has also been shown to be situated on a Major District Road and not on a National Highway or State Highway.

6. In that view of the matter, this Court is unable to find any violation of the terms and conditions of the advertisement. The writ petition accordingly stands dismissed.

**(Vikash Jain, J)**

Chandran

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