

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8068 of 2014

Shobha Kumari W/o Sri Ashok Kumar R/at- Court Station Road, Purnea P.S.-
Khajanchi Hat [K-Hat] District- Purnea, Bihar

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Road Construction Department, Bihar
2. The Engineer-in-Chief cum Additional Commissioner cum Special Secretary, Road Construction Department, Bihar
3. The Superintending Engineer, Road Circle, Purnea, Road Construction Department, Bihar
4. The Executive Engineer, Road Division, Purnea, R.C.D. Bihar
5. The Sub-divisional Officer, Road Sub-division, Purnea- 1
6. The Assistant Engineer, Road Sub-division, Purnea- 1
7. The District Magistrate, Purnea
8. The Indian Oil Corporation Limited [IOCL] Government of India Company, registered under the provisions of Companies Act, 1956 having its Registered Office at G-9, Ali Yavar Jung Marg, Bandra (East) Road, Mumbai- 51 through its Chairman
9. The Senior Divisional Retail Sales Manager, Begusarai Divisional Office, Indian Oil Corporation Limited P.O.- Barauni Oil Refinery, District- Begusarai
10. Anju Kumari W/o Sri Manoj Kumar Yadav R/Mohalla- Janta Chauk P.S.- Khajanchi Hat (K. Hat) District- Purnea

.... Respondents

Appearance :

For the Petitioner	:	Mr. Pawan Kumar, Advocate
For the IOCL	:	Mr. Anil Kumar Sinha, Advocate Mr. Abhimanyu Deo, Advocate
For the State	:	Mr. Md. Raisul Haque, SC 4
For the Resp. No. 10	:	Mr. Prahalad Kumar Bhagat, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-04-2016

Heard learned counsel for the petitioner and learned counsel for the Respondent Corporation.

2. The present writ petition has been filed for quashing the no-objection certificate contained in Memo No. 645(E) dated 06.02.2014 (Annexure-10) issued under the signature of Engineer-in-Chief-cum-



Additional Commissioner-cum-Secretary (Pra) to Special Secretary, Road Construction Department, Bihar, Patna whereby and whereunder no-objection certificate has been issued for proposed establishment of retail outlet of Indian Oil Corporation Limited ("IOCL" hereinafter) at the site offered by Respondent No. 10, pertaining to Mauza Bhagmara, P.S. K. Nagar, Thana No. 236, Khata No. 38, Khesra No. 725, 726, 727 and 777 (part) in gross violation of the distance norm prescribed in IRC-12/2009; for quashing the letter No. 03 dated 03.03.2014 issued under the signature of respondent District Magistrate, Purnea whereby and whereunder no-objection certificate has been issued for proposed establishment of retail outlet of IOCL at the site offered by the Respondent No. 10 at the aforesaid location; and for a direction to the Respondent IOCL to issue fresh advertisement inviting application for Kisan Seva Kendra (Retail Outlet) dealership for the location Bhagmara, Revenue District Purnea, Block K. Nagar, under open category (woman) after termination of appointment of Respondent No. 10.

3. At the very outset this Court takes note of the statement of the petitioner made in para 8 of the writ petition that she has already been appointed as dealer of a Retail Outlet at location within 5 kilometres from Janta Chowk of Purnea from towards Srinagar, District Purnea, which has now become functional in the name of style of "Hamara Pump", Bhagmara, Purnea. It is not disputed that in view of such dealership having been awarded to the petitioner she became ineligible for the award of the present dealership and as such she did not appear in the interview pursuant to being so invited by letter dated 08.06.2012 by the respondent IOCL.

4. In the above view of the matter, the petitioner has failed to

satisfy this Court with regard to her locus to maintain the present writ petition inasmuch as she has clearly no subsisting interest in the award of dealership of Kisan Seva Kendra in question.

5. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	21.04.2016
Transmission Date	