

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2003 of 2015

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Anish Upadhyay @ Anish Kumar Upadhyay son of Jai Prakash Upadhyay
resident of village- Morwan, Post Office- Chainpur, District- Siwan.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Petroleum Oil and Natural Gas, New Delhi.
2. The Hindustan Petroleum Corporation Ltd. through its Chairman, 17, Jamshedji Tata Road, Mumbai.
3. Senior Regional Manager, Hindustan Petroleum Corporation Ltd. having its office at 6th Floor, Lok Nayak Jai Prakash Bhawan, Dakbungalow Chowk, Patna,.
4. Senior Regional Manager , Retail Hindustan Petroleum Corporation Ltd. having its office at 6th Floor, Lok Nayak Jai Prakash Bhawan, Dakbungalow Chowk, Patna,.
5. Chief Manager, NWP, North Central Zone.
6. Dy. Manager(I/C). Legal North Central Zone.
7. Dy. General Manager, North Central Zone. All through Senior Regional Manager , Hindustan Petroleum Corporation Ltd having its office at 6th Floor, Lok Nayak Jai Prakash Bhawan, Dakbungalow Chowk, Patna,.
8. Area Marketing Manager, Hindustan Petroleum Corporation Ltd having its office at 6th Floor, Lok Nayak Jai Prakash Bhawan, Dakbungalow Chowk, Patna,.
9. Dealer Selection Board, Hindustan Petroleum Corporation Ltd having its office at 6th Floor, Lok Nayak Jai Prakash Bhawan, Dakbungalow Chowk, Patna.
10. Shlok kumar Tiwari son of Surendra Tiwari resident of village+PO- Chainpur, District- Siwan
11. The State of Bihar through the District Magistrate, Siwan.
12. Circle Officer, Siswan , P.O. Chainpur, PS. - Siswan, District - Siwan.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Sanjay Singh, Advocate
Mr. Praveen Kumar, Advocate

For the State : Mr. S.P. Singh, G.A.-7
Mr. Shiv Kumar, A.C. to G.A.-7

For the Respondent No. 10: Mr. Mr. Vitesh Kumar Singh, Advocate

For the H.P.C.L. : Mr. Rajeev Prakash, Advocate

For the Union of India : Smt. Kanak Verma, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

6 04-07-2016

Heard Mr. Sanjay Singh, learned counsel for the

petitioner, Mr. Rajeev Prakash, counsel for the Oil Company, Mr. Vitesh Kumar Singh for the private respondent and Mr. Shiv Kumar Singh, Assisting Counsel to G.A.-7 for the State.

The petitioner, an applicant himself has questioned the order passed by the three Member Committee which accompanies the letter dated 27.8.2014 impugned at Annexure-1 to the writ petition whereby the complaint made by the petitioner questioning the candidature of the private respondent on the land qualification, has been rejected.

While Mr. Sanjay Singh, learned counsel for the petitioner contesting the land qualification of the private respondent has submitted that there is a cloud on his title in view of the statement present at paragraph-4 to 6 of the counter affidavit of the State and the information received under the Right to Information Act, copies of which are enclosed at Annexure-5 series, it is the argument of Mr. Rajeev Prakash appearing for the Oil Company as well as Mr. Vitesh Kumar Singh appearing for the private respondent that there is absolutely no contest on the title of the respondent and which is confirmed from the documents present at Annexure-R/5 series of the counter affidavit of the Corporation and Annexure-R/C and R/D of the counter affidavit of the private respondent which are the rent receipts issued by the



Karamchari as well as the Land Possession Certificate. It is further the argument of Mr. Rajeev Prakash that unless the documents submitted by an applicant in accordance with the guidelines of the Oil Company, a relevant extract of which has been enclosed at Annxure-R/3, is held invalid or is doubted on its genuineness, a mere cloud being created by an interested party would not be sufficient to interfere with the selection.

I have heard learned counsel for the parties and I have perused the records. Each of the two applicants have submitted their respective documents in support of land qualifications and the discussion present in the impugned order insofar as it relates to the candidature of the petitioner as well as the private respondent shows that while the private respondent claims ownership of land by virtue of a compromise deed, copies of which are enclosed at Annexure-10/B to the counter affidavit of the private respondent, the Land Possession Certificate at Annexure-R/D to the counter affidavit of the Oil Company as well as the relevant extract of tenant ledger enclosed in the counter affidavit of the State which confirms his possession over the land and which has not been put to question before any forum competent to adjudicate on the same, the land offered by the writ petitioner is in a joint ownership. Even otherwise this Court



notices that the assessment made by the selection panel present at Annexure-4, does not put the private respondent to any better advantage than the writ petitioner on land qualifications. The Selection Committee in consideration of the other qualifications has found the private respondent more suitable and which is awaiting a final confirmation from the District Magistrate, Siwan before whom the matter is stated to be pending for recording his opinion on the issue and grant of 'no objection certificate'.

In the circumstances discussed and not being persuaded to interfere with the decision of the Selection Committee, I deem it fit and proper to dispose of the writ petition with a direction to the District Magistrate, Siwan to take a final decision on the matter of grant of 'no objection certificate' so pending before him at the instance of the Oil Company for the exercise initiated in 2011 is yet to reach its conclusion.

(Jyoti Saran, J)

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