

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1217 of 2013

IN

Civil Writ Jurisdiction Case No. 4280 of 2012

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Manish Kumar, Son of Rajendra Pd., Resident of Village- Amjhar Sharif, Police Station and P.O. Haspura, District- Aurangabad(Bihar)

.... Appellant

Versus

1. The Indian Oil Corporation Ltd. having its registered office at 1st Floor, Shahi Building, Exhibition Road, Patna through its Senior Regional Manager
2. The Senior Regional Manager, 1st Floor, Shahi Building, Exhibition Road, Patna
3. Syed Jamaluddin Quadri, S/O Late Jalaluddin Quadri, R/O Village Amjhar, P.O. and P.S.- Haspura, Distt.- Aurangabad

.... Respondents

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Appearance :

For the Appellant : Mr. Ajit Kumar Ojha, Advocate
Mrs. Nutan Mishra, Advocate

For the Respondents : Mr. Kali Das Chatterji, Sr. Advocate
Mr. Amlesh Kumar Verma, Advocate
Mr. Anil Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 17-02-2016

Heard learned counsel for the writ petitioner-appellant and learned Senior Counsel for the Indian Oil Corporation (for brevity "IOC") and with their consent this appeal is being disposed of at this stage itself.

An advertisement was issued by the IOC for setting up a retail outlet for L.P.G. dealership under RGGLV Scheme. The advertisement is in respect of Amjhar village within Haspura

block of Aurangabad district. The appellant applied for the same. Indian Oil Corporation rejected his candidature on the ground that the site location is not within Amjhar village. It may be mentioned that he had, in fact, succeeded in draw of lots when on other grounds his candidature was rejected. He was unsuccessful in the writ petition and hence the appeal.

Sri Ojha, learned counsel in support of the appeal submits that the revenue authorities have certified that the location of the appellant's godown is within Amjhar Gram Panchayat. It was earlier not in Amjhar Gram Panchayat but upon reallocation it has now come within Amjhar Gram Panchayat.

On the other hand, Sri K.D. Chatterjee, learned Senior Counsel for the Indian Oil Corporation, submits that the dealership is site specific and not Panchayat specific. He draws attention of this Court to the advertisement wherein it is clearly mentioned that the site required is in village Amjhar within Haspura block of district Aurangabad. Having considered the matter though we agree with the appellant that his site is within Amjhar Gram Panchayat, it is not within Amjhar village. Village is a smaller part of the larger area of Gram Panchayat.

As noted above, the site is location specific. The appellant's place is within village Paharpura though within Amjhar

Panchayat, the two villages are separate villages. Thus, we find no merit in this appeal. It is dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajesh/AFR

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