

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4613 of 2011

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Om Prakash Kumar S/O Shri Nagendra Sah R/O Vill-Majorganj, P.O.Majorganj,
P.S.Majorganj, Distt-Sitamarhi

.... Petitioner

Versus

1. The Union of India through Secretary, Ministry of Petroleum, Govt. Of India, New Delhi
2. The Hindustan Petroleum Corporation Ltd. Through Its Chairman 17, Jamshedji Tata Road, Mumbai-400020
3. The Divisional General Manager, East Zone, The Hindustan Petroleum Corporation Ltd., 10 Industries House, Camak Street, Kolkatta-01
4. The Senior Regional Manager, The Hindustan Petroleum Corporation Ltd. Patna L.P.G. Region , 6th Floor, Loknayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna-01
5. The State of Bihar
6. The District Magistrate-Cum –Collector, Sitamarhi
7. The Sub Divisional Officer, Sadar, Sitamarhi
8. The Circle Officer, Majorganj Block, Distt-Sitamarhi
9. Mr.Satyajeet Kumar S/O Shri Chandrashwar Singh R/O Vill-Kuwari Madan, P.S.Majorganj, Distt-Sitamarhi
10. Manoj Kumar S/O Ramautar Chaudhary R/O Vill-Hinrolwa, P.S.Majorganj, Distt-Sitamarhi
11. Binod Kumar S/O Ramautar Chaudhary R/O Vill-Hinrolwa, P.S.Majorganj, Distt-Sitamarhi
12. Ashok Kumar S/O Lakshman Chaudhary R/O Vill-Hinrolwa, P.S.Majorganj, Distt-Sitamarhi

.... Respondents

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Appearance :

For the Petitioner	:	Mr. ARUN KUMAR, ADVOCATE
		Mr. DEVENDRA KUMAR, ADVOCATE
For the Resp. Corpn.	:	Mr. SANJAY KUMAR MISHRA, ADVOCATE
For the State	:	Mr. AMARESH KUMAR SINHA, AC TO GA 9
For the Resp. No. 9	:	Mr. ASHOK KUMAR JHA, ADVOCATE

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-04-2016

Heard learned counsel for the petitioner, learned counsel for the Respondent Corporation and learned counsel appearing for the Respondent No. 9.

2. The present writ petition has been filed for quashing the minutes of the meeting dated 02.02.2011; to decide the



objection of the petitioner and to re-process the allotment process thereafter; to hold an enquiry with regard to certificate produced by the private Respondent No. 9; for a direction to the State Respondents to hold an enquiry regarding residential certificate of the Respondent No. 9 showing his residence at Majorganj; and for connected reliefs.

3. At the time of hearing learned counsel for the petitioner does not press the first prayer with regard to quashing of the minutes dated 02.02.2011, which is accordingly rejected.

4. Learned counsel for the petitioner raises a short point to the effect that in the earlier round of litigation, this Court by its order dated 22.09.2010 passed in CWJC No. 15561 of 2010 has directed the respondent authorities to consider the petitioner's claim in accordance with Clause 19 of the Manual for selection of Rajiv Gandhi Gramin LPG Vitrak (RGGLV). Learned counsel for the petitioner invites attention to a letter dated 20.11.2010 (Annexure-9) by which he had enclosed a number of documents in support of his objection that the Respondent No. 9 along with some others were not the residents of Majorganj. It is submitted that these documents have not been considered by the Respondent Corporation in its impugned order dated 28.02.2011, which has been decided merely on the basis of field verification of

credentials and after verification of the residence certificate by the Circle Officer.

5. Learned counsel for the Respondent Corporation as also learned counsel for the Respondent No. 9 have been heard. It is stated that the RGGLV outlet has already been functional since the year 2011.

6. Having heard the parties and on a perusal of the materials on record, this Court agrees with the petitioner's submission that the impugned order dated 28.02.2011 has been passed without considering the various documents furnished by the petitioner vide Annexure-9 which ought to have been considered.

7. In the above view of the matter, the impugned order dated 28.02.2011 is hereby set aside with a direction to the Respondent Corporation to pass orders afresh in accordance with law after considering the documents furnished by the petitioner aforesaid on its own merits, and after grant of an opportunity to the petitioner of being heard.

8. The writ petition stands disposed of.

(Vikash Jain, J)

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