

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3609 of 2012

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Jagjivan Kumar Gautam S/O Late Babu Lal Ram Resident of Dighi Kala West, P.O. : Dighi Kala, P.S.- Hazipur Sadar, District- Vaishali

.... Petitioner

Versus

1. The Union of India, Through Secretary, Ministry of Petroleum, Petroleum Bhawan, New Delhi
2. The General Manager, Eastern Region Limited, Lok Nayak Jai Prakash Bhawan 5th Floor Dak Bunglow Chowk, Patna
3. The Senior Regional Manager, Indane Area Office Patna, Indian Oil Corporation, Limited, First Floor Shahi Bhawan Exhibition Road, Patna
4. The Sr. Area Manager, Indane Area Office Patna, Indian Oil Corporation, Limited, First Floor Shahi Bhawan Exhibition Road, Patna
5. The Dy. Area Manager, Indane Area Office Patna, Indian Oil Corporation, Limited, First Floor Shahi Bhawan Exhibition Road Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. DHIRENDRA KUMAR, ADVOCATE
For the Resp. IOCL : Mr. ANIL KUMAR SINHA, ADVOCATE
Mr. AMLESH KR. VERMA, ADVOCATE

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-05-2016

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

2. The present writ petition has been filed for quashing letter No. PAT/LPG/RGGLV dated 18.01.2012 issued under the signature of Senior Area Manager (Respondent No. 4) whereby the petitioner's candidature for the award of LPG distributorship under the RGGLV Scheme has been cancelled; and for connected reliefs.



3. Learned counsel for the petitioner makes a short submission to the effect that the two plots of land offered by him namely, 11 decimals of land bearing Zamabandi no. 695 Khata no. 693, Khesra No. 991, and 6 decimals of land bearing Zamabandi no. 3313, Khata no. 455, Khesra no. 1077, being adjacent to each other taken together measure 21 meter x 26 meter, and thus satisfy the minimum requirement of the land being 20 meter x 24 meter in terms of the advertisement. It is therefore, submitted that the petitioner's candidature has erroneously and arbitrarily been cancelled in terms of the impugned letter dated 18.01.2012.

4. Learned counsel for the respondent Corporation however disputes the stand of the petitioner, stating that in course of field verification it was found that the plots offered by the petitioner are separate and the dimensions are inadequate.

5. Having heard the parties and on consideration of the materials on record, this Court finds that even though the petitioner took a specific stand in para 11 of the writ petition that the two plots of offered land taken together measured 21 meter x 26 meter which was in satisfaction of the requirement of the advertisement, this fact has not been pointedly denied in the counter affidavit. The respondents have merely made a bald denial with the statement that the plot of lands offered by the petitioner were found in the field verification to be separate. If that were so, the respondents ought to have brought on

record the location and situation of two plots of land.

6. In that view of the matter, the ends of justice will be met by setting aside the impugned letter dated 18.01.2012 (Annexure-4) with a direction that a fresh order be passed by the respondent Corporation in accordance with law after granting an opportunity of hearing to the petitioner.

7. The writ petition stands allowed *pro tanto*.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	17.05.2016
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