

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.41 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 15711 of 2010**

=====

Gayanti Kumari, Wife of Bhim Singh, Resident of Village + P.S. Barun, District - Aurangabad (Bihar)

.... Appellant

Versus

1. The Indian Oil Corporation Limited, 1st Floor, Shashi Bhawan, Exhibition Road, Patna through its General Manager.
2. The General Manager, Indian Oil Corporation Limited, 1st Floor, Shashi Bhawan, Exhibition Road, Patna.
3. The Senior Area Manager, Indian Oil Corporation Limited, (Marketing Division), Bihar State office, 5th Floor, Lok Nayak Bhawan, Dak Bungalow Chowk, Patna
4. Shree Mirtunjay Kumar Pandey, Son of Banshi Dhar Pandey, Resident of Village - Barun, P.S. Barun, District - Aurangabad (Bihar).

.... Respondents

=====

Appearance:

For the Appellant/s : Mr. Gautam Kumar Yadav, Advocate.

For the Respondent/s : Mr. Anil Kumar Sinha, Advocate.
Mr. Amlesh Kumar Verma, Advocate.
Mr. Abhimanyu Deo, Advocate.

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 11-11-2016

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 24.04.2015 whereby, the grant of Rajiv Gandhi Gramin LPG Distributorship to Respondent No. 4 at Barun in the District of Aurangabad was not interfered with. The sole ground to challenge is that the respondent – an unmarried person, has offered land which is not owned by his family as defined in Clause 9 of the Advertisement.

Clause 9 of the Advertisement contemplates that the land of applicant, his parents and his unmarried brothers and sisters

would be considered as family unit and can be offered for the purpose of consideration of the LPG distributorship.

As per the appellant, the land offered by Respondent No. 4 was owned by his grand-father, therefore, the land offered by Respondent No. 4 does not satisfy the pre-conditions mentioned in Clause 9 of the Advertisement.

However, during the course of argument, learned counsel for the appellant had to admit that in fact the grand father had died leaving behind father of the Respondent No. 4 and his brother. Thus the father of Respondent No. 4 is a co-sharer of the land and satisfies the pre-condition as specified in Clause 9 of the Advertisement.

In view thereof, we do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal.

Accordingly, the Letters Patent Appeal is dismissed.

(Hemant Gupta, ACJ)

(Ahsanuddin Amanullah, J)

Mishra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	17.11.2016
Transmission Date	