

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20951 of 2011

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Jitendra Kumar Dabgar S/o Sri Suresh Ram Dabgar Village + Post +
Police Station Karakat, District Rohtas-802212, Bihar.

..... Petitioner

Versus

1. The Chairman, Indian Oil Corporation Limited, G-9, Ali Yavar Jung Marg, Bandra (East) Mumbai-400051.
2. Deputy General Manager, (LPG) Bihar State Office, Lok Nayak Jai Prakash Bhawan, 5th Floor, Dak Bunglow Chouk, Patna.-800 001
3. Sr. Area Manager, Patna AO. Bihar State Office, Lok Nayak Jai Prakash Bhawan, 5th Floor, Dak Bunglow Chowk, Patna 800 001

..... Respondents

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Appearance :

For the Petitioner : Mr. Anshay Bahadur Mathur, Advocate

For the Respondents : Mr. Anil Kumar Jha, Sr. Advocate
Mr. Sanat Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-05-2016

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

2. The present writ petition has been filed for quashing the
letter No. BSO/LPG/RGGLV/Karakat dated 09.05.2011 (Annexure-3)
issued by the respondent no. 2 rejecting the claim of the petitioner for
grant of dealership under Rajiv Gandhi Gramin LPG Vitrak Scheme,
2009 ("RGGLV" hereinafter) for location at Karakat, District Rohtas,
State-Bihar, under SC category; and for connected reliefs.



3. Learned counsel for the petitioner submits that in the earlier round of litigation, the petitioner had approached this Court in CWJC No. 1014 of 2011, which was disposed of on 04.02.2011 with a direction to the respondent Corporation to consider the application of the petitioner dated 15.04.2010 along with the land possession certificate dated 25.09.2010 and decide the matter accordingly. It is submitted that the land possession certificate duly shows the situation of the petitioner's land to be in Mauza Misraulia (Karakat), Thana No. 545 and thus it is proved that the land is situated in Karakat Mauza within the area of Karakat. It is therefore submitted that the Corporation has wrongly held the petitioner to be ineligible in terms of its letter dated 09.05.2011 impugned herein.

4. Learned senior counsel appearing on behalf of the respondent Corporation submits that pursuant to the directions of this Court as aforesaid, the petitioner's representation dated 15.04.2010 together with the land possession certificate were considered in the backdrop of the materials available in order to determine the petitioner's eligibility based on the situation of the land in question. It was found that the petitioner's application was liable for rejection *in limine* at the very outset considering that the relevant column requiring details regarding the situation of the aforesaid land had been left blank. The petitioner subsequently has submitted the rent receipt and the land possession certificate, however, no documents of title



whatsoever have been furnished. Further, it is stated that the petitioner's land is situated in Mauza Misraulia, Thana No. 545. This has been stated by the petitioner himself in his affidavit submitted with his application and is thus binding and conclusive as regards the petitioner. It is stated that the land of the petitioner therefore falls outside the advertised location which was admittedly the town/village Karakat. Attention is also invited to the list of block-wise villages of Block Karakat whereby village Karakat appeared at sl. no. 71 which is quite distinct from village Misraulia appearing at sl. no. 103 of the said list. It is also pointed out that the village Karakat falls at Thana No. 543 whereas village Misraulia falls at Thana No. 545.

5. Having heard the parties and on consideration of the materials on record, this court finds the writ petition to be devoid of any merit. From the plethora of materials placed on behalf of the Corporation including the block-wise list of villages, it is evident that village Misraulia falls under the Block Karatkat but is quite separate and distinct from village Karakat. It is also borne out by the petitioner's own statement made in the affidavit that his land situated in village Misraulia and not in village Karakat, and hence it falls outside the advertised location. This Court therefore, finds no fault in the action with the respondent Corporation in having re-advertised the location for village Karakat. It is stated to have already been commissioned on 03.11.2015 with a letter of award being issued to one Sri Ajay Singh.

6. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Chandran

AFR/NAFR	AFR
CAV DATE	
Uploading Date	06.05.2016
Transmission Date	