

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19082 of 2011

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Amit Kumar Bhagat, son of Gopal Prasad Bhagat, Resident of Village Balrampur, P.O. and P.S. - Balrampur, Via Barsoi Ghat, District - Katihar

.... Petitioner

Versus

1. Hindustan Petroleum Corporation Limited, 17, Jamshedji Tata Road, Mumbai through the Chairman cum Managing Director
2. The Chairman cum Managing, Hindustan Petroleum Corporation Limited, 17 Jamshedji Tata Road, Mumbai
3. The Senior Regional Officer, (P.L.R.O.), Patna L.P.G. Region, Hindustan Petroleum Corporation Limited, 6th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bungalow Chowk, Patna
4. The Regional Manager (L.P.G.), Hindustan Petroleum Corporation Limited, 6th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bungalow Chowk, Patna
5. Smt. Manju Devi, wife of Sri Megh Raj Bhagat, Resident of village, P.O. and P.S. Balrampur, District- Katihar

.... Respondents

With

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Civil Writ Jurisdiction Case No. 17939 of 2012

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Manju Devi wife of Shri Meghraj Bhagat, Resident of Village & P.O.- Balrampur, P.S.-Balrampur, District -Katihar

.... Petitioner

Versus

1. Hindustan Petroleum Corporation Limited , 17, Jamshedji Tata Road, Mumbai, Through Its Chairman-cum-Managing Director
2. The Senior Regional Manager (P.L.R.O.) Hindustan Petroleum Corporation Ltd Patna L.P.G. Regional Office 6th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bungalow Chowk, Patna-800001
3. Plant Manager, Hindustan Petroleum Corporation Ltd , Patna L.P.G. Regional Office , 6th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bungalow Chowk, Patna-800001

.... Respondents

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Appearance :

(In CWJC No.19082 of 2011)

For the Petitioner : Mr. Shashi Bhushan Kumar Manglam,

Ms. Kumari Ranjana Bharti, Advocates
For Respondent-HPCL: Mr. Rabindra Nath Kanth, Advocate
For the Petitioner : Mr. Surendra Kishore Thakur,
Ms. Y. Madhavi, Advocates
For Respondent-HPCL: Mr. Rabindra Nath Kanth, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date: 27-06-2016

CWJC No. 19082 of 2011

The present writ petition has been filed for quashing the letter dated 23.09.2011 issued by the respondent no. 3 whereby the selection of the petitioner for award of LPG Distributorship has been cancelled as the land offered by him was found to be not in the advertised location; and for connected reliefs.

2. The short facts of the case are that pursuant to the advertisement dated 28.02.2011 for award of LPG Distributorship for the location village/town Balrampur in Block Balrampur, District Katihar, the petitioner, among others, participated by filing his application, inter alia, offering land said to be situated in Balrampur. When the petitioner came to know that the land offered was being rejected pursuant to the field verification report, he applied for a certificate from the Circle Officer, Balrampur with regard to whether or not the offered land came within the area popularly known as Balrampur village, and whether the proposed land fell within the revenue village Balrampur. The Circle Officer by his letter no. 539



dated 22.09.2011 certified that Mauza Balrampur and Mauza Ibrahimpur together were commonly known as Village Balrampur. The certificate of the Circle Officer dated 22.09.2011 was produced before the respondents on 26.09.2011, by which time however, the candidature of the petitioner had already been cancelled by the impugned letter dated 23.09.2011.

3. Mr. S.B.K. Mangalam, learned counsel for the petitioner, submits that the impugned order rejecting the petitioner's candidature has been passed arbitrarily without affording any opportunity of hearing and without seeking clarification with regard to the offered land, and as such the impugned order has been passed in violation of the principles of natural justice. He further submits that the certificate of the Circle Officer dated 22.09.2011 clearly shows that the petitioner's land falls within Balrampur village and is therefore within the advertised location and as such, the impugned order is based on an error of fact.

4. Learned counsel for the respondent-Corporation as well as learned counsel for the petitioner of CWJC No. 17939 of 2012 have resisted the writ petition, pointing out that the question of violation of the principles of natural justice does not arise in the present case. A perusal of the impugned order dated 23.09.2011 itself discloses that the petitioner had duly participated in the field



verification process and had signed the fact-finding record. It is therefore, submitted that the petitioner had full knowledge of the proceedings. Having accepted the field verification report without demur, he cannot now raise an objection on grounds of violation of natural justice. It is therefore further submitted that even otherwise the report of the Circle Officer dated 22.09.2011 is no more than his opinion, stating merely that Mauza Balrampur and Mauza Ibrahimpur are popularly known as Balrampur village. The specific question of the petitioner in the application to the Circle Officer as to whether the proposed land fell within village Balrampur and to certify the same as such, however, has not been so certified by the Circle Officer. Learned counsel for the respondents places reliance on the Survey Glossary according to which the word “Mauza” has been equated with the word “village”. It is pointed out from clause 5 of the registered sale deed 12.03.2011 that the land of the petitioner falls within Mauza Ibrahimpur and not in the village Balrampur.

5. Having heard the parties and on careful consideration of the materials on record, this Court finds the writ petition completely devoid of merit. It is admitted in paragraph 15 of the writ petition that the petitioner had knowledge about the field verification report and also that the offered land was being rejected. Nothing therefore prevented the petitioner from approaching the

authority at the appropriate time which he failed to do. The certificate of the Circle Officer does not categorically state that the petitioner's land fell within the revenue village of Balrampur and the question raised by the petitioner in his application in this behalf has been left unanswered. The writ petition accordingly stands dismissed.

CWJC No. 17939 of 2012

6. This writ petition has been filed by the candidate who has been selected subsequent to the rejection of the candidature of the petitioner of CWJC No. 19082 of 2011.

7. In view of CWJC No. 19082 of 2011 having been dismissed as above, the respondents shall now proceed in the matter in accordance with law. This writ petition stands disposed.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06.07.2016
Transmission Date	N/A