

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4383 of 2016

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RKBBK Limited, New Bypass Road, Ram Krishan Nagar East Opposite Changer, Kankarbagh, Patna through its Manager, Bipin Sharan, Son of S. B. Sharan, Resident of Ashok Nagar, Kankarbagh, P.S.- Kankarbagh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Rohtas at Sasaram.
2. The District Magistrate, Rohtas at Sasaram.
3. The Sub-Divisional Officer, Bikramganj, Rohtas.
4. The District Supply Officer, Rohtas, Sasaram.
5. Indian Oil Corporation Ltd., through its Chairman, Indian Oil Bhawan, G9, Ali Yavar Jung Marg, Bandra East, Mumbai- 400051.
6. The Chairman, Indian Oil Bhawan, G9, Ali Yavar Jung Marg, Bandra East, Mumbai- 400051.
7. The Dy. General Manager, Bihar State Office, Indian Oil Corporation Ltd. Lok Nayak Bhawan, Dak Banglow Chowk, Patna- 8000021.
8. The General Manager, Bihar State Office, Indian Oil Corporation Ltd., Lok Nayak Bhawan, Dak Banglow Chowk, Patna- 800001.
9. The Senior Division Retail Sales Manager, Bihar State Office, Indian Oil Corporation, Ltd. Lok Nayak Bhawan, Dak Banglow Chowk, Patna- 800001.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate.
For the State	:	Mr. Mithilesh Kumar Pathak- S.C. 7. Mr. Anuj Kumar & Mr. Arun Kumar Prasad, A.C. to S.C. 7.
For the I.O.C.	:	Mr. Anil Kumar Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 17-03-2016

Heard learned counsel for the parties.

The writ petition seeks quashing of the order contained in Letter No. 535 dated 10.02.2016 by which the District Magistrate, Rohtas has stopped the allocation of Kerosene Oil to the petitioner till it installs nozzle system for dispensing of Kerosene Oil.

Learned counsel for the petitioner submits that it has been a dealer of Kerosene Oil for the last many decades and



after the policy of the State Government to ensure that only those persons were given allocation who had nozzle system for dispensing the Kerosene Oil, it also applied to the District Magistrate, Rohtas for giving them the N.O.C. for grant of licence by the Competent Authority for installing the said system which is still pending with him and for that reason it has not been installed. It is further submitted that reminders have also been sent to the District Magistrate, Rohtas (respondent no. 2).

Learned counsel for the State submits that under a policy of the Government which is neither under challenge nor unreasonable, the requirement of installing of nozzle system cannot be challenged and when admittedly the petitioner does not have the system in place, the stopping of allocation of Kerosene Oil to him till he fulfills the requirement is not arbitrary.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is in agreement with the submissions of learned counsel for the State. The policy of the State Government being in place and the petitioner admittedly not complying with the requirement, the decision of the authority concerned to stop the allocation of Kerosene Oil till the requirement of installing nozzle system is not fulfilled, cannot be said to be arbitrary, much less illegal. Accordingly, the Court does not find any ground to interfere in the matter.

However, as the matter relating to grant of No

Objection Certificate in terms of the application made by the petitioner to enable him to install the nozzle system is still pending, the respondent no. 2 shall ensure that a decision is taken on such application filed by the petitioner within two weeks from the date of production of a copy of this order before him.

The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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