

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18922 of 2013

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Dinesh Kumar Gupta, son of Late Aditya Prasad Gupta, Resident of Village- Post Office and Police Station- Laukahi, District- Madhubani

.... Petitioner/s

Versus

1. Bharat Petroleum Corporation Ltd., through, Territory Manager (L.P.G.), Fatuha Industrial Area, P.O. & P.S. Fatuha, Distt.- Patna
2. Territory Manager (L.P.G.), Bharat Petroleum Ltd., Fatuha Industrial Area, P.O. & P.S.- Fatuha, District- Patna
3. Renu Yadav, wife of Satyendra Kumar Yadav, Resident of Village- Singrahi, Police Station- Laukahi, District- Madhubani
4. Sangita Devi, wife of Bharat Prasad Gupta, Resident of Village- Atari Mahrajganj, Police Station- Laukahi, District- Madhubani
5. The State of Bihar through District Magistrate, Madhubani
6. The District Magistrate, Madhubani
7. The Sub-Divisional Officer, Phulparas, District-Madhubani
8. The Circle Officer, Block-Lokahi, District-Madhubani

.... Respondent/s

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Appearance :

For the Petitioner	:	Mr. Manoj Kumar, Advocate Mr. Anjani Kumar Jha, Advocate
For the Respondent- BPCL	:	Mr. Siddhartha Prasad, Advocate Mr. Om Prakash Kumar, Advocate
For Respondent No.3	:	Mr. K.K. Singh, Advocate
For the S t a t e	:	Mr. G.P. Ojha, G.A.-7 Mr. Gopal Krishna, A.C. to G.A.-7

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

Date: 04-07-2017

Heard learned counsel for the petitioner, the learned counsel appearing for the Bharat Petroleum Corporation Ltd. (BPCL) and the learned counsel for respondent No.3 as also the learned counsel for the State, who was impleaded in the present writ application.

2. The moot question, which was to be decided in the



present writ application, was as to whether the candidature of Renu Yadav (respondent No.3) could be accepted by the BPCL in view of the fact that she was not the resident of the area in question. Thus, this Court was required to decide and hold the candidature of respondent no.3 vis-à-vis the petitioner as on the date of advertisement.

3. Learned counsel for the petitioner submits that there was a report by the Circle Officer, stating that respondent No.3 was not a resident of the site in question where the retail outlet was proposed to be set up.

4. On a complaint made by the petitioner, the matter was examined afresh and the authorities had given a report affirming that respondent no.3 was the resident of Village-Laukahi where the retail outlet was proposed to be set up.

5. The petitioner's case thus could not be substantiated in view of the affidavit now filed by the Circle Officer, which has been accepted by the District Magistrate, Madhubani and communicated to the Bharat Petroleum Corporation Ltd., vide his letter dated 29.12.2016 (Annexure G).

6. Learned counsel for the BPCL submits that it is on the basis of the certificate (Annexure G), that the present Letter of Intent has been issued by the Corporation.



7. Considering the aforementioned facts and circumstances, the writ application now cannot be maintained as disputed question of fact has been raised by the writ petitioner.

8. The writ application is thus devoid of any merit and is fit to be dismissed. It is, accordingly, dismissed. No costs.

(Anjana Mishra, J)

PNM

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11.07.2017
Transmission Date	N.A.

