

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3051 of 2013

=====

Eshika Raj, D/o Sri Parma Nand Rai, R/o Village+Post-
Inayatpur Dhamon, Block+P.S- Patori, District- Samastipur,
Bihar.

... .. Petitioner/s

Versus

1. The Chairman, Indian Oil Corporation Ltd., G-9, Ali Yavar Jung Marg, Bandra (East) Mumbai- 400051
2. Deputy General Manager, Bihar State Office, Lok Nayak Jai Prakash Bhawan, 5th Floor, Dak Bunglow Chowk, Patna- 800001.
3. Area Manager, Indian Oil Corporation (Marketing Division), Indane Area Office, Begusarai, P.O- Barauni Oil Refinery, District- Begusarai (Bihar) 851114
4. Subhash Chandra, S/o Sri Durga Rai, Resident of Village + P.O.- Dhamoun, P.S.- Patory, District- Samastipur.

... .. Respondent/s

=====

Appearance :

For the Petitioner	:	Mr. S.N. Yadav, Advocate Mr. Bijay Bhushan Prasad, Advocate
For Respondent-IOCL	:	Mr. Anil Kumar Sinha, Advocate Mr. Akash Keshav, Advocate
For Respondent No.4	:	Mr. Anand Kumar Ojha, Advocate Mr. Ashok Karn, Advocate

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT

Date : 06-10-2017

Heard learned counsel for the petitioner and the learned counsel for the Indian Oil Corporation (IOC) as well as learned counsel appearing for private respondent No.4.

2. The petitioner seeks to set aside the order dated 04.12.2012, contained in Annexure 5, issued by the Area Manager, Indian Oil Corporation (M.D.), whereby the petitioner's application for award of Rajiv Gandhi Gramin LPG Vitrak (RGGLV) at the location-Patori, Dhamoun, District-Samastipur, category:Open, advertised on 26.02.2012, has been rejected, after



consideration of the clarification submitted by her on the subject as stated in the letter.

3. Learned counsel for the petitioner submitted that the entire order is perverse and warrants interference by this Court under Article 226 of the Constitution of India.

4. Learned counsel appearing on behalf of the Indian Oil Corporation submits that the writ application as on date has become infructuous as even prior to the interim order passed by this Court, respondent No.4 had been issued the Letter of Intent (LOI). Subsequently, on 24.07.2013 an agreement was entered into between the Indian Oil Corporation and respondent No.4 and on 26.07.2013 the Unit has been commissioned and is functioning till date. It is further submitted that the petitioner's application was duly considered and since she does not fit into the parameters of the advertisement for the advertised location, her application was rejected.

5. Notices were also issued to the private respondent, who has appeared and filed counter affidavit asserting the aforesaid facts, stating that in view of the fact that the LOI has now been issued and Unit is already commissioned, there is no occasion for this Court to interfere in the present case.



6. Having heard learned counsel for the parties and after consideration of all facts and circumstances, including that the petitioner has not brought anything on the record to show that the letter of consent had been issued by the father of the petitioner giving her the land in question by way of conveying the land, which is a pre-requisite for entertaining any such application, this Court does not find the order passed by the I.O.C. to be unreasonable.

7. The writ application is, thus, devoid of any merit and is dismissed.

8. No costs.

(Anjana Mishra, J)

PNM

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	7.10.17
Transmission Date	NA

