

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7175 of 2015

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Raju Mahto S/o Sita Ram Mahto Resident of Village Mauzampur, P.S. Bahera,
District Darbhanga.

.... Petitioner/s

Versus

1. The Hindustan Petroleum Corporation Limited, having its registered office at 17, Jamshedji Tata Road, Mumbai 400020.
2. The Chairman, the Hindustan Petroelum Corporation Limited, having its registered office at 17, Jamshedji Tata Road, Mumbai 400020.
3. The Senior Regional Manager, the Hindustan Petroelum Corporation Limited, Patna LPG, Region Office 6th Floor, Lok Nayak Jai Prakash Bhawan, Post Box No. 40, Dak Bunglow Chauk, Patna-800001.
4. Ram Charitra Paswan S/o Saburi Paswan Resident of Village Badarbanna, P.S. Bahera, District Darbhanga.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1022 of 2016

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Raju Mahto Son of Sita Ram Mahto Resident of village - Mauzampur, P.S. Bahera,
District - Darbhanga

.... Petitioner/s

Versus

1. The Hindustan Petroleum Corporation Limited, having its registered office at 17, Jamshedji Tola Road, Mumbai 400020
2. The Chairman, the Hindustan Petroleum Corporation Limited, having its registered office at 17, Jamshedji Tola Road, Mumbai 400020
3. The Senior Regional Manager, the Hindustan Petroleum Corporation Limited, Patna LPG, Region, 6th Floor, Lok Nayak Jai Prakash Bhawan, Post Box No. 40, Dak Buinglow Chauk, Patna 800001
4. The District Magistrate, Darbhanga
5. The Block Development officer, Benipur, Darbhanga
6. The Circle officer, Benipur
7. 7. Ram Charitra Paswan Son of Saburi Paswan Resident of village - Badarbanna, P.S. Bahera, District - Darbhanga

.... Respondent/s

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Appearance :

(In CWJC No.7175 of 2015) with (In CWJC No.1022 of 2016)

For the Petitioner/s : Mr. Amish Kumar, Adv.

For the State : Mr. Prabhat Ranjan Singh, AC to AAG-15

For the HPCL : Dr. Pankaj, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY



ORAL JUDGMENT

Date: 04-02-2017

In the present case, a limited question has been raised about selection of Ram Charitra Paswan, son of Saburi Paswan, (respondent no.7 in CWJC No. 1022 of 2016) on the ground that the land which he has furnished is not in proper dimension as per advertisement nor they are adjacent land to each other, inasmuch as, all the plots are separated having no common boundary.

Admittedly, the petitioner has no grievance with regard to his rejection of his claim application but has raised objection for selection of distributor under the L.P.G. Vitrak Yojna which is to be established at Mauzampur in Benipur Block at Harpur in the district of Darbhanga under the scheduled caste category.

The short fact connected with these cases is that the Hindustan Petroleum Corporation Limited had issued an advertisement inviting proper application from the competent person for the purpose of selection of LPG distributor at different places in the district of Darbhanga including at Mauzampur. The petitioner as well as respondent no.7 applied for the distributorship of LPG. First of all the petitioner was selected being L-1 candidate but, the land, which the petitioner has provided, was not feasible having no connection with the proper motorable road. On that ground, the selection of the petitioner was rejected. As Ram Charitra Paswan was the second L-2,



he has also provided the land, having considered his candidature after obtaining report of field verification, the land, which was mentioned by him, was found suitable in terms of the advertisement. Accordingly, the distributorship has been given to him.

Learned counsel for the petitioner has raised a grievance that the land which has been furnished by Ram Chatritra Paswan, respondent no.7 is not in terms of the advertisement. As per advertisement, the dimension of the land was required to be 20M X 24M equivalent to 2.75 Khata whereas the land which has been offered by Ram Charitra Paswan is less than the specified land mentioned in the advertisement. Inasmuch as it has further been raised that the land which he has offered are separated, not adjacent to each other having no common boundary, inasmuch as, he has given the land is not his land but the same belong to the State Government and further submitted that he has filed the application before the Senior Regional Manager, Hindustan Petroleum Corporation Limited, Patna on 19.2.2014 but, the competent authority, without examining the details of the matter, has rejected the complaint application of the petitioner vide letter dated 22.2.2014 mentioning therein that as there is no stay order of any court, question of staying the issuance of Letter of Intent does not arise. If his documents are not found in term of the advertisement, then the selection would be rejected.



Per contra, learned counsel for the Hindustan Petroleum submits that the land which has been offered is in accordance with advertisement as the land which has been offered by the respondent no.7 are Plot No. 522, 523, 524, 526 owned by him vide different sale deeds, inasmuch as, on field verification, the dimension of the land was found 20M X 26M and the land was free from overhead wire, drainage, canal etc and the land is accessible by all weather motorable road and, as such, the claim of the petitioner that the respondent no.7 has not provided proper land is completely far from truth.

Having considered the rival contentions of the parties, a very limited grievance has been raised by the petitioner that the land which has been offered by the respondent no.7 is completely incorrect and, for that, he has produced document in order to substantiate that the land which has been provided by the respondent no.7 is not in terms of the advertisement. These are the matters of fact, that can be looked into by the authority concerned. This Court cannot go into the matter but, when the Hindustan Petroleum Corporation Limited has provided forum for raising a grievance then that authority, while disposing of the complaint, should have applied his judicial mind and have dealt with the matter in accordance with law and as the petitioner has claimed that the land provided by respondent no.7 is not in proper dimensions which was required as per terms of the advertisement.



In such view of the matter, let the respondent no.3 the Senior Regional Manager, Hindustan Petroleum Corporation Limited, Patna consider the complaint of the petitioner. If it is found that the petitioner has no basis and the land which has been provided by the respondent no.7 is correct one, the question of interference does not arise whereas if it is found that if the complaint of the petitioner has some merit, in such a situation, the aforesaid authority shall issue notice to the respondent no.7, after giving proper opportunity of hearing to both the parties, will take a decision in accordance with law. The authority concerned will dispose of the complaint within time prescribed in the scheme in accordance with law.

This Court is not giving any opinion on the merit of the case.

With the aforesaid observation and direction, both the applications are disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.02.2017
Transmission Date	

