

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1006 of 2016
IN
Civil Writ Jurisdiction Case No. 12084 of 2014**

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Ashok Kumar Manjhi, Son of Motilal Manjhi Resident of Village : - Saipur, P.O.: -
Jaichapra, District : - Siwan.

.... Appellant/s

Versus

1. The Union of India through its Secretary of Petrol cum and Natural Gas, Govt. of India Shastri Bhawan New Delhi - 110001.
2. The Chairman, Indian Oil Corporation having its State Office 1st Floor Shahi Bhawan, Exhibition Road, Patna.
3. The D.G.M. (LPG), Indian Oil Corporation, Bihar State Office, Patna.
4. The Chief Area Manager, Area Office, Indian Oil Corporation, Shahi Bhawan, Patna.
5. The Vigilance Officer, Indian Oil Corporation, LPG, Kolkata.

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Krishna Deo Raj
For the Union of India	:	Mr. Kanak Verma
For I.O.C.L.	:	Mr. AnilKumar Jha, Sr. Advocate Mr. Sanat Kumar Mishra

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 25-08-2017

Seeking exception to an order dated 21.01.2015 passed by
the learned Writ Court in CWJC No. 12084 of 2014 this appeal has



been filed under clause 10 of the Letters Patent.

The matter pertains to issuance of a dealership of LPG under Rajeev Gandhi LPG Vitrak. The candidature of the appellant has been cancelled and the writ petition was filed challenging the cancellation. The learned Writ Court having dismissed the writ petition, this appeal has been filed.

The learned Writ Court in a detailed order running into 15 pages has found that one of the conditions necessary for grant of dealership was that the application should be the owner of the land tendered for establishment of the dealership. It was found that in the present case the ownership of the land was not in the name of the appellant. The appellant has claimed ownership based on a partition alleged to have been executed but based on the partition, the records indicated that the petitioner initiated the mutation proceedings much after the cut-off date, i.e. 20th March, 2012 and the Circle Officer granted mutation to the petitioner after the cut-off date, i.e., on 26.12.2013. As the ownership of the land as per records was established only on 26.12.2013, much after the cut-off date, the learned Writ Court refused to interfere into the matter.

That apart, after taking note of the definition of the terms “Family Unit”, the finding recorded by the learned Writ Court is that the petitioner is not entitled to any benefit based on the description as



per terms of the advertisement. The learned Writ Court evaluated each and every aspect of the matter and has rightly rejected the claim of the petitioner.

We see no reason to make interference into the order of the learned Writ Court. The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl./-

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