

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12340 of 2016

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1. Shakti Kumar son of Late Kapilmuni Prasad, Sneha Vastra Vatika, Shakti Complex Gayatri Road in front of Punjab National Bank, P.S. Meerganj, District Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. Engineer in Chief-cum- Additional Commissioner-cum-Special Secretary, Road Construction Department, Government of Bihar, Patna.
3. Executive Engineer, Road Construction Department, Road Division, Gopalganj
4. Assistant Engineer, Road Construction Department, Road Division, Hathua, Meerganj, Gopalganj
5. Junior Engineer, Road Division, Meerganj, District Gopalganj
6. The Collector, Gopalganj
7. Hindustan Petroleum Corporation Limited represented through the Chief Regional Manager, Lok Nayak Jay Prakash Bhawan, 6th Floor, Dak Bunglaw Chauk, Patna-1
8. Chief Regional Manager, Hindustan Petroleum Corporation Limited, Lok Nayak Jay Prakash Bhawan, 6th Floor, Dak Bunglaw Chauk, Patna-1

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Mr. Avinash Kumar, Advocate.
For the State	:	Mr. Syed Md. Najmul Bari, Ac to SC 20
For HPCL	:	Mr. Rabindra Nath Kanth, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 15-02-2017

Heard learned counsel for the petitioner and learned counsel for the Stat as well as HPCL.

The Hindustan Petroleum Corporation Limited has issued an advertisement for the appointment of dealer of retail outlet for different class of persons including for OBC. The petitioner being OBC candidate was also one of the contenders for the



dealership of the retail outlet. The outlet was to be constructed within 5 K.M. from Marchiyadevi Chowk (Mirganj) Towards Bhore on Mirganj Bhore Road, District Gopalganj under category of OBC. The petitioner being L-I candidate was selected as dealer and after field verification the Hindustan Petroleum Corporation has issued the letter of intent on 15.7.2015 but subject to grant of no objection by different departments. As per claim of the petitioner other departments have granted no objection but Road Construction Department, Government of Bihar has refused to grant no objection on the ground that petitioners' site plan does not fulfill the condition in terms of guideline set out by Road Congress stipulates the frontage should be 35 M and depth should be 35 M but on field verification by the Road Construction Department it was found 30 M frontage which is not in terms of specification set out by Road Congress.

Learned counsel for the petitioner submits that he has filed documents in terms of advertisement but in view of the policy of the Road Congress, the requirement of land has changed but his land in terms of guideline of Road Congress. He further submits that terms of letter of intent itself indicates that plot is of dimension of 35.7 Meters frontage x 39.2 meters depth in Khata No.207, Survey Plot



No. 130. Claim has been made by the petitioner that dimension of the land is more than the yardstick fixed by Road Congress and authority has wrongly rejected the claim of the petitioner.

In such view of the matter, the Executive Engineer, Road Construction Department of the area concerned is directed to examine the case of the petitioner and verify the status of the land and if it is found that condition which is fixed by the Road Congress and Road Construction Department is satisfied by the petitioner in such circumstance the Road Construction Department is directed to issue no objection. If the petitioner has already deposited the amount which is required under the law will be adjusted against any fresh demand made by the department.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.2.2017
Transmission Date	NA

