

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10686 of 2016

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Anirudh Prasad Sahi son of Late Ram Naresh Prasad Shahi Resident of village,
P.O. and P.S. Baruraj , District- Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna
3. The Engineer-in-Chief-Cum-Additional Secretary-Cum-Special Secretary, Road Construction Department, Government of Bihar, Patna
4. The District Magistrate, Muzaffarpur
5. The Executive Engineer, Road Construction Department, Road Division No.1, Muzaffarpur
6. The Assistant Engineer, Road Construction Department , Road Sub-Division, Deoria, Muzaffarpur
7. The Circle Officer, Motipur, District Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner	:	Mr. S.B.K. Manglam, Advocate
For the State	:	Mr. Maruth Nath Roy, AC to SC4
		Mr. Arvind Ujjwal

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 04-09-2017

Heard learned counsel for the parties.

2. Learned counsel for the petitioner submits that he has filed I.A. No.1772 of 2017 whereby he has challenged the rejection letter dated 10.01.2017, whereby the application for NOC was rejected. It is further submitted that as there is a decision of the Road Construction Department vide letter no.4770, dated 24.08.2017 wherein it has been decided that the dimension of the land, which was decided by the petrolling company for establishing the retail outlet on and before 13.12.2015, will be treated to be a valid size of the land for



the purposes of establishment of the retail outlet. Learned counsel for the petitioner further submits that his case is covered by this letter and his size of the land is in terms of the advertisement published by the oil company.

3. In view of the policy decision dated 24.08.2017, let the Department should examine the case of the petitioner and take a decision in accordance with law. This Court is not passing any order on merit or quashing the order of rejection. If the petitioner files a fresh application or fresh representation within a period of three weeks from today, the authority will consider his application-cum-representation and take a decision within three weeks thereafter.

4. The writ petition stands disposed of.

(Shivaji Pandey, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.09.2017
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