

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1522 of 2016

IN

Civil Writ Jurisdiction Case No. 19082 of 2011

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Amit Kumar Bhagat, Son of Gopal Prasad Bhagat, Resident of village - Balrampur,
P.O. and Balrampur, Via - Barsoi Ghat, District - Katihar

.... Petitioner - Appellant

Versus

1. Hindustan Petroleum Corporation Limited, 17, Jamshedji Tata Road, Mumbai
the Chairman - Cum - Managing Director
2. The Chairman - Cum - Managing Director, Hindustan Petroleum Corporation
Limited, 17, Jamshedji Tata Road, Mumbai
3. The Senior Regional Officer (P.L.R.O.), Patna L.P.G. Region, Hindustan
Petroleum Corporation Limited, 6th Floor, Lok Nayak Jai Prakash Bhawan, Dak
Bungalow Chowk, Patna
4. The Regional Manager (L.P.G.) Hindustan Petroleum Corporation Limited, 6th
Floor, Lok Nayak Jai Prakash Bhawan, Dak Bungalow Chowk, Patna
5. Manju Devi, Wife of Sri Megh Raj Bhagat Resident of village P.O. and P.S.
Balrampur, District - Katihar

.... Respondents – Respondents.

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Appearance:

For the Appellant/s : Mr. S.B.K. Mangalam and
Mr. Ravi Ranjan, Advocates.

For the Respondent no.1-4: Mr. Rabindra Nath Kanth, Advocate.
(Hindustan Petroleum Corporation Ltd.)

For the Respondent no. 5: Mr. Jitendra Singh, Sr. Advocate and
Mr. Firoz Ahmad, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 22-11-2017

Heard learned counsel for the appellant, learned counsel



for the Oil Company, namely, Hindustan Petroleum Corporation Limited, and learned counsel for the private respondent.

2. Since the Writ Application of the present appellant was dismissed by the learned single Judge refusing to interfere with the decision of the Oil Corporation which had cancelled the award of LPG distributorship in favour of the appellant, primarily, on the ground that the declaration made by the appellant with regard to the location of the land did not fall within the advertised location of Balrampur village, since the requirement of the location of LPG distributorship was specifically identified and stated in the advertisement. Spacious argument that the petitioner's land, which is located in Ibrahimpur, is also part and parcel of Balrampur was not accepted by the learned single Judge. Another reason for rejection of the Writ Application of the appellant is that on actual physical verification, which is also known as Field Verification Report, location of the land provided by the appellant was found not to be in village Balrampur but at Ibrahimpur.

3. A very knowledgeable enunciation has been made on behalf of the learned counsel for the appellant trying to explain the nitty-gritty of the revenue structure of a village. But the Court is not impressed by such submission for the reason that the location of village Balrampur is identifiable and is a village by itself. There were



various Mauzas under the main village Balrampur. If the place of advertisement can be identified by the location of the village then the Court is not required to expand the ambit of where the village Balrampur starts and where it ends.

4. In addition to that, materials have come on record by way of Annexure A/1 & A/2, annexed in the counter of private respondent which is a report of Circle Officer, which indicates that village Balrampur is identifiable by itself which consists of 16 Mauzas and village Ibrahimpur does not fall within Balrampur though it may fall within circle Balrampur but not the revenue village Balrampur.

5. Since commercial interest of the company for which advertisements are issued by Oil Company, they know the best as to where these locations and the dealership must come up. It is not for the Court to substitute its wisdom. Even otherwise since there is no element of arbitrariness as to the location of the land of the appellant vis-à-vis the advertised location, the learned single judge committed no error by dismissing the Writ Application for the reasons assigned by him.

6. We are also satisfied that no case is made out for interference with the order of cancellation of the allotment initially made in favour of the appellant but since the failure was on the part of



the appellant to provide the land in question at the relevant location then merely because an offer was made, it does not make his right absolute.

7. Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

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