

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9869 of 2016

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1. Suman Kumar, son of Sri Uma Shankar Thakur, Resident of Village- Tajpur,
P.O.- Baburban, P.S.- Baruraj, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Engineer-in-Chief-Cum-Additional Secretary-cum- Special Secretary, Road Construction Department, Bihar, Patna.
5. Indian Oil Corporation Ltd. through General Manager, Indian Oil Corporation Ltd. Bihar State Office, Lok Nayak Bhawan, Dak Bugalow Crossing, Patna.
6. Deputy General Manager (Retail Sales) Indian Oil Corporation Ltd. Bihar State Office, Lok Nayak Bhawan, Dak Bugalow Crossing, Patna.
7. Chief Manager, Bihar State Office, Lok Nayak Bhawan, Dak Bungalow Crossing, Patna.
8. Senior Divisional Retail Sales Manager, Indian Oil Corporation Limited (Marketing Division) Muzaffarpur Divisional Office, Krishna Complex Akharaghat Road, Muzaffarpur.
9. Divisional Manager (Retail Sales), Indian Oil Corporation Limited (Marketing Division), Muzaffarpur Divisional Office, Krishna Complex, Akharaghat Road, Muzaffarpur.
10. Manager (Retail Sales), Indian Oil Corporation Limited (Marketing Division), Muzaffarpur Divisional Office, Krishna Complex, Akharaghat Road, Muzaffarpur.
11. Sales Officer, Indian Oil Corporation Limited (Marketing Division), Muzaffarpur, Krishna Complex, Akharaghat Road, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siya Ram Sahi, Mr. Namrata Singh
For the State	:	Mr. Ajay Kumar Rastogi, AAG 10 Mr. Rohitabh Das, AC to AAG-10
For IOC	:	Mr. Anil Kumar Sinha, Mr. Amlesh Kumar Verma

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 13-09-2017

Heard the parties.

The present matter relates to refusal of grant No Objection



Certificate (NOC) as ground has been taken that the land which has been offered by the petitioner does not conform with the recommendation of the Road Congress Committee and on that ground the petitioner having been refused to grant of NOC to establish retail outlet.

A letter vide memo no.4770 dated 24.8.2017 has been brought to the notice of this Court. It appears that during pendency of the case the Road Construction Department has taken a policy decision that if the matter relates to establishment of retail outlet of petroleum, specification land mentioned by the Oil Corporation will be criterion for granting NOC. Meaning thereby if any applicant satisfies the condition which has been mentioned in the notification inviting tender for establishment of retail outlet will be guiding factor for granting “No Objection”. The size of land recommended by Road Congress will not be applicable but size of the land which has been mentioned in the advertisement will be the basis for granting NOC.

In such view of the matter, Regional Chief Engineer who is competent person, having been appointed by the said letter for granting NOC, is directed to examine the case of the petitioner and pass necessary order. He will examine whether the land which has been offered by the petitioner is satisfying the condition



mentioned in the notification.

Accordingly competent authority will examine the case and take decision in accordance with law within a period of four weeks from the date of filing of the application.

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

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.9.2017
Transmission Date	NA

