

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1431 of 2016
IN
Civil Writ Jurisdiction Case No. 14068 of 2014**

=====

Chandeshwar Ram, son of Sri Durga Ram, resident of Village Pipra, PO & PS
Darpa, District East Champaran

.... (Petitioner) Appellant

Versus

1. The Bharat Petroleum Corporation Limited, Bharat Bhawan, 4 & 5 Currimbhoy Road, Ballard Estate, Post Box No. 688, Mumbai 400001 (Maharashtra), through its Chairman
2. The Chairman, Bharat Petroleum Corporation Limited, Bharat Bhawan, 4 & 5 Currimbhoy Road, Ballard Estate, Post Box No. 688, Mumbai 400001 (Maharashtra),
3. The Assistant Manager (LPG Sales), Bharat Petroleum Corporation Limited, Patna LPG Territory, Patna
4. The Territory Manager, Bharat Petroleum Corporation Limited, Patna, LPG Territory and Bottling Plant, Fathuha, Patna
5. Indradeo Ram, son of Late Mahesh Ram, resident of Village Pipra, PS Darpa, District East Champaran

. (Respondents) Respondents

=====

Appearance :

For the Appellant/s : Mr. V R P Singh, Advocate

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-09-2017

Seeking exception to an order dated 19.08.2014 passed
by the learned Writ Court in CWJC No. 14068 of 2014, this appeal
has been filed under Clause 10 of the Letters Patent.

A process of selection and grant of LPG Distributorship
under the Rajiv Gandhi Gramin LPG Vitrak Scheme was initiated
and an advertisement was published for the same in the year 2012



and the applicant offered his candidature based on certain land and property said to be in his name. However, on examining the materials it was found by the Department that the documents pertaining to the land given by the petitioner is in the name of the family of Late Mahavir Ram. As per the documents available it was found that the measurement of the land and the dimension are less than the minimum requirement. Therefore, on 03.12.2013, the petitioner was granted time to submit fresh document with regard to clear ownership of his land in his favour. It seems that the petitioner submitted the document. There was some delay in submission of the document and, therefore, the petitioner's claim was rejected, inter alia, contending that the petitioner did submit the document along with possession certificate of the Circle Officer issued on 16.12.2013 and without considering all these aspects of the matter, the learned Writ Court and the Corporation rejected the claim. However, on going through the detailed order passed by the learned Writ Court it is seen that the petitioner relied upon a certificate dated 16.12.2013 issued by the Circle Officer claiming that he is the owner of the area in question. The learned Writ Court evaluated the possession certificate and found that based on this certificate the petitioner cannot be termed as owner as defined in the Scheme of the Corporation and rejected his claim. The learned Writ Court has



not committed any error in rejecting the claim on such consideration.

That apart, there is delay of 1 year and 290 days in filing this appeal which is explained in IA No. 6511 of 2011. Even though the delay has been explained by contending that a review application was filed and the same was dismissed on 09.03.2016 and thereafter the present appeal was filed. But on examination of the matter on merit, we find that there is no error in the order passed by the learned Writ Court. Therefore, we see no reason to make any indulgence into the matter.

The appeal is accordingly dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	06.09.2017
Transmission Date	N.A.

