

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11787 of 2018

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Kamlesh Paswan, son of Yogendra Paswan, resident of Mauza Narsingha,
P.O. Rajaur Rambhadrapur, P.S. Hathouri, district Samastipur
... Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna
 2. The Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Road Construction Department, Government of Bihar, Patna
 3. The Chief Engineer (Mechanical), North Bihar Circle, Road Construction Department, Bihar, Patna
 4. The Executive Engineer, Road Division, Rosera, Road Construction Department, Samastipur
 5. The District Magistrate, Samastipur
 6. The Subdivisional Officer, Rosera, district Samastipur
 7. The Circle Officer, Shivaji Nagar, district Samastipur
 8. The Assistant Engineer, Road Sub Division, Rosera – 1, district Samastipur
 9. The Indian Oil Corporation represented through its Chief Divisional Manager, Begusarai Divisional Office, P.O. Barauni Oil Refinery, district Begusarai
 10. The Chief Divisional Retail Sales Manager (CDRSM), Begusarai Divisional Office, Barauni Oil Refinery, district Begusarai ... Respondents
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Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv. with M/s Md. Mushtaque Alamm & Humayun Ahmad Khan Advs.
For the State	:	Mr. Raj Ballabh Pd. Yadav, AAG XI
For the IOC	:	M/s Anil Kumar Sinha & Akash Keshav, Advs.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-08-2018 Heard learned counsel for the petitioner, learned

counsel for the State and the learned counsel for the Indian Oil

Corporation.

The petitioner had applied for retail out-let in
pursuance to NIT issued by the respondent-Indian Oil
Corporation, no objection certificate had to be granted by the
respondent-District Magistrate, Samastipur. There was certain



communication between the district administration and the Indian Oil Corporation, thereafter, a no objection certificate was sought by the Indian Oil Corporation regarding the land offered for opening retain out-let on the modified land details vide letter, dated 06.04.2018.

A similar issue has been decided by this Court in a batch of writ applications being C.W.J.C. No. 12190 of 2016 and analogous cases which was decided on 17.10.2017.

This writ application is disposed of in terms of the order, dated 17.10.2017, passed in C.W.J.C. No. 12190 of 2016 with a direction to the respondent authorities to decide the case by applying the condition prevalent on the date of issuance of NIT by the respondent-Indian Oil Corporation within a period of six weeks from the date of receipt/production of a copy of this order.

(Nilu Agrawal, J)

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