

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18521 of 2017

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Nitesh Kunal, S/o Shri Ram Balak Ray, R/o Chakdhari Dheria, P.O.-
Maksoodpur, P.S.- Minapur, District- Muzaffarpur.

.... Petitioner

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 Engineer-in- Chief-Cum- Special Secretary-cum- Additional Secretary, Road Construction Department, Bihar, Patna.
4. The Chief Engineer (Mechanical), North Bihar Circle, Road Construction Department, Darbhanga. null null
5. The Superintending Engineer, North Bihar Road Division, Road Construction Department, Muzaffarpur Division, Muzaffarpur.
6. The Executive Engineer, Road Construction Department Road Division- 2, Muzaffarpur.
7. The District Magistrate, Muzaffarpur.
8. The Deputy Collector Land Reforms, Muzaffarpur.
9. Circle Officer, Bochaha, District Muzaffarpur.
10. Indian Oil Corporation Limited, through its Chairman, G- 9, Ali Yadav Jung Mar, Bandra (East), Mumbai- 400051.
11. The Chief Divisional Manager (Retail Sales) Indian Oil Corporation Limited, Muzaffarpur Divisional Office, Krishna Complex, Akharaghat Road, Muzaffarpur- 842001.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Sinha, Advocate.
For the Respondents : Mr. Rajeev Shekhar, AC to GA-13
For the IOCL : Mr. Anil Kumar Sinha
Mr. Akash Keshav, Advocates.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-05-2018

The present writ petition has been filed for the following
reliefs –

(a) To quash the order dated 24.11.2017 as contained in letter no. 1406 issued under the signature of Executive Engineer, Road Division No. 2, Muzaffarpur by which in lieu of grant of No Objection Certificate for using the flank space of the road for traffic for his Kisan Seva Kendra Dealership outlet of Indian Oil Corporation, the petitioner was informed that he will have to deposit Rs. 15,30,000/- (Rupees Fifteen lakh thirty thousand) for five years.



- (b) To direct the respondents to issue No Objection Certificate in favour of the petitioner.*
- (c) To grant any other relief/reliefs to the petitioner under the facts and circumstances of the instant writ application.”*

2. Learned counsel for the petitioner states that in view of the State Government’s Resolution dated 08.03.2018, the petitioner has been required to make payment of Rs. 1,36,000/- in place of the earlier demand of Rs. 15,30,000/-, and the said amount has since already been paid by the petitioner upon which the assurance has been given by the respondents that the No Dues Certificate would be issued.

3. In the above circumstances, learned counsel for the petitioner submits that the present writ petition need not be pressed if liberty be granted to approach this court once again in case the respondents do not grant the No Dues Certificate as assured.

4. Learned counsel for the State has appeared.

5. In view of the stand of the petitioner, the writ petition stands disposed with liberty to the petitioner to approach this Court afresh in case No Dues Certificate is not issued by the respondents.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08.05.2018
Transmission Date	N.A.

