

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11207 of 2013

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Nitish Kumar Singh, S/O Sri Vijay Pratap Singh, resident of Village - Tori Tola,
Mohanpur, P.S.- Bhagwanpur, District- Kaimur.

.... Petitioner

Versus

The Indian Oil Corporation through the Chief Area Manager, Area Office,
Exhibition Road, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ravi Shankar Sahay,
Mr. Navin Kumar Jha, Advocates
For the Respondent : Mr. Anil Kumar Sinha,
Mr. Ankit Katriar, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-08-2018

Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

2. The present writ petition has been filed for a direction
to the respondent-Indian Oil Corporation to grant the dealership of
Rajiv Gandhi Gramin LPG Vitrak (for short, "RGGLV") at village Tori
Tola, Mohanpur, P.S. Bhagwanpur, District Kaimur.

3. Learned counsel for the petitioner submits that
pursuant to the letter dated 17.09.2012, the petitioner had furnished
all the relevant documents called for and the respondent ought to have
considered the petitioner's application and granted the dealership of



RGGLV in his favour.

4. Learned counsel for the respondent-Corporation, on the other hand, submits that on the admitted facts as evident from the petitioner's application form itself, the land offered by the petitioner was ancestral land standing in the name of the petitioner's grand father Rajeshwar Singh. In terms of Clause 9 of the application form as well as relevant 2011 Brochure of the respondent-Corporation, 'Family Unit' was defined in the case of unmarried person, like the petitioner, to mean self, parents and unmarried brothers and sisters. It is therefore submitted that the land in the name of the grand-father of the petitioner was not eligible for consideration. Any document subsequently furnished after the date of submission of the application form was also not eligible for consideration and hence, the petitioner cannot claim for grant of dealership.

5. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court finds the writ petition to be devoid of merit. It is not in dispute that the land offered by the petitioner stood in his grand-father's name on the date of submission of the application form. It is also not in dispute that the term 'family unit' was not wide enough to include the petitioner's grand-father. In the circumstances, therefore, the land offered by the petitioner did not qualify for the purpose of grant of dealership of



RGGLV and no fault can be found with the action of the respondents in not granting the dealership to the petitioner.

6. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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