

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.56 of 2017

In

Civil Writ Jurisdiction Case No.22367 of 2012

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Aishwarya Madhupuri, son of Sri Chandra Shekhar Prasad Singh, resident of
Village+P.O.- Bathnaha, Ward No.7, District- Sitamarhi.

... .. Appellant/s

Versus

1. Indian Oil Corporation Ltd. having its registered office at G-9, Ali Yawar Jang Marg, Bandra (East) Mumbai- 400051 through its Managing Director.
2. The General Manager, Indian Oil Corporation Limited, Lok Nayak Jai Prakash Bhawan, 5th Floor, Dak Bunglow Chowk, Patna- 800001.
3. The Deputy General Manager (LPG), Indian Oil Corporation Limited, Lok Nayak Jai Prakash Bhawan, 5th Floor, Dak Bunglow Chowk, Patna- 800001.
4. The Chief Area Manager, Indian Oil Corporation Ltd., Marketing Division, Shahi Bhawan, Exhibition Road, Patna- 800001.
5. Deputy Manager, L.P.G. Indian Oil Corporation Ltd., Mithanpura, Town + District- Muzaffarpur.
6. Madan Kumar, son of Sri Harishchandra Singh, resident of Village- Bathnaha, P.S.- Bathnama, District- Sitamarhi.
7. Mithilesh Chandra Suri, son of Narendra Prasad, resident of Village- Bathnaha, Tola Jankinagar, Ward No.8, P.O.+P.S.- Bathnaha, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Pushkar Narain Shahi Sr. Advocate Mr. Sanjeet Kumar Singh Advocate Mr. Anurag Singh Advocate Mr. Shivam Advocate
For the Respondent	:	Mr. Kali Das Chatterji Sr. Advocate Mr. Amlesh Kumar Verma Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

7 08-05-2018 Heard learned senior counsel for the appellant and

learned senior counsel appearing on behalf of the Oil Company.



Perused the order under challenge, dated 15.12.2016.

Since the Learned Single Judge did not have to decide the right, title and interest over the land, in question, nor was the company obliged to do so, the end result, which has been reached by the Learned Single Judge with regard to the requirement of the land, being in the name of the applicant, is not required to be examined or reviewed.

Since the Oil Company is looking at commercial interest, while setting up a dealership and they have no obligation to go into an investigative mode about the title and possession or inheritance in relation to the land, their decision not to allot the dealership in favour of the appellant, cannot be said to be erroneous.

A detailed consideration has been made by the Learned Single Judge.

We are in agreement with the rational and reasoning provided therein for us not to interfere with the impugned order.

Even otherwise since the advertisement related to the year 2011 and now the entire policy has undergone a change and a new guidelines is in place, therefore, this Court will not compel the Oil Company in the year 2018 to go by the earlier advertisement issued in the year 2011.



Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

skm/-

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