

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7324 of 2013

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Mahesh Kumar son of Late Raja Ram Sah, resident of Village- Pachrukhi, P.S.-
Pachrukhi, District- Siwan

.... Petitioner

Versus

1. Indian Oil Corporation Ltd. through its M.D. First Floor, Shahi Bhawan,
Exhibition Road, Patna
2. The Chief Area Manager, Indian Oil Corporation Ltd., Patna A.O.
3. The Assistant Manager (F) Indian Oil Corporation Ltd., Patna A.O.
4. The Assistant Manager (CSC), Indian Oil Corporation Ltd., Patna A.O.
5. The Manager (LPG), B.S.O., Indian Oil Corporation Ltd., Patna
6. Wasi Raza, son of Parwer Alam, Resident of Village Pachrukhi, P.S.-
Pachrukhi, District- Siwan
7. Sarda Nand Kumar, son of Late Mahanth Sah, resident of Village + P.S.
Pachrukhi, District Siwan

.... Respondents

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Appearance :

For the Petitioner : Mr. Nilanjan Chatterjee, Advocate

For Respondent-IOC : Mr. Anil Kumar Sinha, Advocate

For Private Respondents: Mr. Bindhyachal Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-08-2018

Heard learned counsel for the petitioner, learned counsel
for the respondent-Indian Oil Corporation Limited as well as learned
counsel for the private respondents.

2. The present writ petition has been filed for quashing
the letter dated 22.02.2013 issued by the Chief Area Manager, Patna
A.O., Indian Oil Corporation Limited, Patna (Annexure-8) by which the
Chief Area Manager cancelled the selection of the petitioner for Rajiv
Gandhi LPG Vitrak ("RGGLV") dealership at Pachrukhi location, District
Siwan under open category; for a direction to the respondents to grant



license of LPG; and for connected reliefs.

3. Learned counsel for the petitioner submits that the candidature of the petitioner has been rejected for award of RGGLV dealership by the impugned order dated 22.02.2013 (Annexure-8) on the sole ground that the required minimum 20m x 24m of land for construction of godown of LPG was not available with the petitioner. It is submitted that as a matter of fact, shortfall in the land is relatable to plot no. 2942 measuring about 1 katha 5 dhurs which had fallen to his share consequent upon a partition among the family members. The deed of partition had already been furnished along with the application form on 28.03.2012, i.e. well before 30.03.2012 which was the last date for submission. The partition deed was given effect to and mutation was made accordingly on 03.05.2013 (Annexure-10). It is pointed out that the petitioner had been selected in the draw but despite the same, his candidature was rejected by the respondents.

4. Learned counsel for the respondent-Indian Oil Corporation Limited, on the other hand, opposes the writ petition submitting that the petitioner did not fulfill the criteria laid down in the advertisement and the brochure. According to Clause 3(*Chha*) of the advertisement, a plot of land belonging to the applicant measuring not less than 20m x 24m was required at the RGGLV location. The land of 'family unit' was also admissible, which term, in the case of married



persons such as the petitioner, included the spouse, and unmarried sons and daughters. It is further submitted that according to Clause 7 of the advertisement, the application form completed in all respects along with demand draft had to be submitted latest by 30.03.2012. The petitioner's application form was admittedly received on 28.03.2012. The most significant requirement appeared at serial no. 9 of the Table of Clause 10.5 of the advertisement which clearly stipulated that the land offered was required to be supported by a registered sale deed or gift deed or mutation or other Government record of a date not later than the date of application.

5. It is submitted that in the instant case, the petitioner being a married person had merely submitted a copy of the partition deed which did not fulfill the criteria of the requisite documents for supporting the land offered. The mutation was admittedly made well after the date of submission of the application form and even beyond the last date for its submission. On such date, the land was admittedly held in the name of the petitioner's grandfather who did not come within the ambit of the term 'family unit'.

6. 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. The facts pointed out by the respondents have not been controverted and disputed by the



petitioner. The petitioner filed a copy of partition deed along with his application form on 28.03.2012, but such document was not eligible for consideration in respect of the offered land. The mutation was made on 03.05.2013 which fell far beyond the date of submission of the application form and could not thus have been taken note of by the respondents. On the date of application therefore the land stood in the name of the petitioner’s grand father who did not qualify as part of the ‘family unit’ in the case of the petitioner who was a married person. The impugned letter dated 22.02.2013 therefore suffers from no infirmity and requires no interference.

7. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.08.2018
Transmission Date	N.A.

