

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1624 of 2018

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1. Smt. Rajbati Devi, Wife of Sri Pradeep Sah, resident of Village- Bhutahi, P.S.- Sonbarsha, District- Sitamarhi.

.... Petitioner/s

Versus

1. The Secretary, Indian Oil Corporation Limited, G- 9, Ali Yavar Jung Mar, Mandra (East), Mumbai- 51.
2. The Chief Regional Manager, Indian Oil Corporation Limited, 1st Floor, Sahi House, Exhibition Road, Patna.
3. The Chief Area Manager, Indian Oil Corporation Limited, 1st Floor, Sahi House, Exhibition Road, Patna.
4. The Area Manager, Indian Oil Corporation Limited, 1st Floor, Sahi House, Exhibition Road, Patna.
5. Sanjana Indane Rural Distributor, Bhutahi through its Proprietor Sudeep Sah, Son of Chandeshwar Sah, resident of Village- Bhutahi, P.S.- Sonbarsha, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv
For the Respondent/s : Mr. Anil Kumar Sinha, Adv
Mr. Akash Keshav, Adv.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 25-07-2018

1. Heard the learned counsel for the petitioner and counsel appearing on behalf of Indian Oil Corporation Ltd.-respondent.
2. Petitioner in the writ application seeks a direction that the LPG distributorship granted to one Sudeep Sah, Proprietor of Indane Rural Distributor, Bhutahi, P.O.-Sonbarsha, District-Sitamarhi be cancelled as the distributorship has wrongly been granted in favour of respondent No.5 on the land part of which belonged to the petitioner.
3. Petitioner submits that the land of Respondent No.-5 and



the land of the petitioner are contiguous but the respondent no. 5, Sudeep Sah, has encroached upon his land for which, Partition Suit No.182 of 2015 is pending. He made a complaint before the Chief Area Manager, Indian Oil Corporation, regarding the land offered for LPG distributorship by Sri Sudeep Sah, proprietor of M/s Sanjana Indane Gramin Vitrak, respondent no.5, which was not entertained by the respondent, Indian Oil Corporation stating therein that draw of lots was held on 26.10.2013 and distributorship was allotted on 26.03.2015. As per the guidelines of the Indian Oil Corporation, such application could be entertained within 30 days of the draw of lots subject to deposit of Rs.1000/- as complaint fees. He submits that the matter was taken before the Circle Officer in Public Grievance and by order dated 09.03.2017, the land of the petitioner has been found encroached by the private respondent no.5. Hence, on this ground since distributorship was obtained by mis-statement and misleading the IOC the distributorship be cancelled.

4. Learned counsel for the Indian Oil Corporation contends that writ is not maintainable as the petitioner has a civil dispute regarding portion of his land offered by respondent no.5 and a partition suit is also pending between the parties.

5. Learned counsel for the petitioner submits that in similar



matter, this Court has quashed the letter of intent of L.P.G. Distributorship in the case of Zullfikar Ali Vs. Union of India and others vide order dated 27.06.2014, which in the aforesaid case is not relevant as the letter of intent was cancelled by the Chief Area Manager, Indian Oil Corporation which was quashed in the facts of that case. The petitioner, in the present writ application, is aggrieved that the land offered by the respondent no. 5 for LPG Distributorship, part of which is his land, can only be settled by way of civil suit before the Court of competent jurisdiction.

6. This writ application has no merit and accordingly, dismissed.

(Nilu Agrawal, J)

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30/07/2018
Transmission Date	NA

