

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13698 of 2010

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Debesh Kumar Singh S/O Brajendra Narayan Singh, resident of Village-
Mohanpur, P.S.- Bihariganj, District- Madhepura

.... Petitioner/s

Versus

1. The Indian Oil Corporation Ltd., a Government of India Company Incorporated under the provisions of Section 617 of the Companies Act, 1956 having its Registered Office situated at G-9, Ali Yavar Marg, Bandra (East), Mumbai-400051 through its Director (Marketing)
2. The General Manager cum State Level Coordinator, Bihar State Office, Indian Oil Corporation Ltd. (Marketing Division), 5th Floor, Lok Nayak Jai Prakash Bhawan, Fraser Road, Town & District - Patna
3. The Divisional Manager Begusarai Divisional Office, Indian Oil Corporation Ltd. (Marketing Division), B-70, Barauni Refinery Township, Distt.- Begusarai
4. The Sr. Divisional Retail Sales Manager Begusarai Divisional Office, Indian Oil Corporation Ltd. (Marketing Division), B-70, Barauni Refinery Township, Distt.- Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrigank Mauli, Advocate
Mr. Prince Kumar Mishra, Advocate
For Respondent/s (IOCL): Mr. Anil Kumar Sinha, Advocate
Mr. Amlesh Kumar Varma, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-09-2018

Heard learned counsel for the parties.

2. The present writ petition has been filed for quashing the letter BSO/KSK/MAKDI dated 30.06.2010 whereby the Letter of Intent (hereinafter referred to as 'LOI') bearing no. BSO/RS/KSK/294 (90) dated 19.06.2008 for establishing the proposed Kisan Seva Kendra (Retail Outlet) at 'MAKDI' District- Madhepura has been withdrawn and for directing the respondent Indian Oil Corporation



(hereinafter referred to as 'IOC') to provide the petitioner with the requisite infrastructure for establishing the Kisan Seva Kendra (hereinafter referred to as 'SKS') at MAKDI as also to provide the petitioner with the supplies of the fuel for carrying out the business.

3. At the outset itself, learned counsel for the petitioner fairly states that the land offered by the petitioner is subject matter of a dispute in Title Suit No.58 of 2008, who was also a contender for award of Kisan Seva Kendra, which necessitated Smt. Archana Singh to approach this Court in C.W.J.C. No. 18377 of 2008. The said writ petition was disposed of by order dated 06.01.2015 (Annexure-R1/1 enclosed with I.A. No.1175 of 2018) with the following observations :

“ 8. In the considered opinion of this Court whatever issue has been raised by the petitioner while seeking right, title and interest in the pending civil suit will be the deciding factor as to whether the allotment of the respondent no.6 for running the petroleum outlet will survive. It is not in doubt that the petitioner for this very purpose has filed a title suit being Title Suit No.58/2008 which is pending before the Civil Judge, Sr. Division, Madhepura. In the event, the petitioner succeeds in the aforesaid title suit, the allotment of petroleum outlet in favour of the respondent no.6 will automatically go away, inasmuch as, he will be left with no piece of land on which



such petroleum outlet could be made operational through the agency given by the Indian Oil Corporation. On the other hand, if the title suit filed by the petitioner fails, the petroleum outlet allotted to the respondent no.6 shall remain without any further impediment and could be very well made functional. In that view of the matter, no useful purpose will be served in keeping this writ application pending when every thing will turn only on the result of the pending Title Suit No.58 of 2008.

9. This Court would, accordingly, dispose of this writ application with a direction to the Civil Judge, Sr. Division, Madhepura to ensure that the Title Suit No.58 of 2008, already pending for a period over six years, should be disposed of expeditiously.”

4. It is, therefore, submitted that the petitioner’s claim for the award of the Retail Outlet would also have to abide by the final decision in the said title suit.

5. Learned counsel for the respondents- Corporation appears.

6. Having regard to the submissions of the learned counsel for the petitioner, the present writ petition is disposed of with the observation that the rival claims of the petitioner as well as the said Smt. Archana Singh shall be decided afresh by the Respondent-



Corporation for grant of KSK Retail Outlet after disposal of Title Suit
No. 58 of 2008, in accordance with law.

(Vikash Jain, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13-09-2018
Transmission Date	N/A

