

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7298 of 2018

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Din Bandhu Kumar S/o Sri Prabhu Lal Chaudhary resident of Village- Turki Purani
Gharari, P.O.- Turki Khararu, Police Station- Minapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Engineer in Chief-cum-Additional Commissioner -cum- Special Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Chief Engineer(Technical), North Bihar Sub-Divisional , Road Construction Department, Government of Bihar, Patna.
4. The Superintending Engineer, North Bihar Road Circle, Muzaffarpur.
5. The Executive Engineer, Road Division No.-2, Road Construction Department, Muzaffarpur.
6. The Assistant Engineer, Road Sub-Division Sarmera at Mokama, Road Construction Department, Muzaffarpur.
7. The District Magistrate, Muzaffarpur.
8. The Circle Officer, Meenapur.
9. Hindustan Petroleum Corporation Limited, represented through Managing Director, having its registered Office at 17, Jamshedji Tata Road , Mumbai.
10. The Senior Territory Manager(Retail), Hindustan Petroleum Corporation Limited, HPCL Begusarai Retail Regional Office, Raghunath Place, Har-Har Mahadeo Chowk, NH-31, District- Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Avinash Kumar, Adv.
: Mr. Krishna Chandra, Adv.
For the Respondent/s : Mr. AMIT PRAKASH -GA13
For the HPCL : Mr. Niraj Gupta, Adv.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 24-08-2018



Heard learned counsel for the petitioner and learned counsel appearing on behalf of the respondents.

Petitioner seeks a direction upon the respondents-State of Bihar to grant no objection certificate in terms of the guidelines laid down in Rule 144 of Chapter 7 of the Indian Petroleum Rules, 2002 taking into account the land offered by the petitioner and accepted by the Hindustan Petroleum Corporation location being within one kilometer from Turki-Sanichara Chowk on Minapur-Muzaffarpur Road for the purpose of opening of new retail outlet dealership of Petrol Pump in the district of Muzaffarpur under the Scheduled Caste category and since the petitioner has qualified in pursuance to the advertisement dated 17.11.2014 by which a “Letter of Intent” has already been issued in favour of the petitioner vide Letter No. BRO/MKS/LOI dated 23.02.2017. A letter has been written by the respondents-Hindustan Petroleum Corporation Ltd. to the Executive Engineer for grant of no objection certificate vide Annexure-9 dated 28.11.2017 which was, in turn, forwarded to the Chief Engineer, Road Construction Department but no decision has been taken for grant of NOC certificate.

Learned counsel for the petitioner submits that this Court in similar matters by order dated 17.10.2017 passed in CWJC No. 12190/2016 and other analogous cases directed the respondent authorities to decide the



case of all such persons by applying the conditions prevalent at the time of issuance of NIT by the respective Oil Companies.

Learned counsel for the State is present and is heard.

This writ application is also disposed of in terms of the order dated 17.10.2017 passed in CWJC No. 12190 of 2016 and other analogous cases with a direction to the respondent no. 2, Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Road Construction Department, Government of Bihar, Patna, to decide the case of the petitioner by applying the conditions at the time of issuance of NIT by the Hindustan Petroleum Corporation Ltd. within a period of six weeks from the date of receipt/production of a copy of this order.

Writ application is disposed of with the aforesaid observation.

(Nilu Agrawal, J)

Devendra/Priyanka

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.08.2018
Transmission Date	NA

