

## IN THE HIGH COURT OF JUDICATURE AT PATNA

### Civil Writ Jurisdiction Case No.6990 of 2017

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Deobrat Kumar S/o Late Vijay Kumar, resident of Station Road, Police Station-Fatwah, District-Patna.

.... .... Petitioner

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 Executive Engineer, Road Division, Road Construction Department, Patna City Road Division, Gulzarbag, Patna-7.
4. The Assistant Engineer, Road Sub-Division Sarmera at Mokama, Road Construction Department, Patna.
5. The District Magistrate, Patna.
6. The Circle Officer, Mokama, Patna.
7. Bharat Petroleum Corporation Limited, represented through Managing Director, having its registered Office at Bharat Bhawan, 4 & 6 Kurrimbhoi Road, Ballard Estate, P.B.No. 688 Mumbai 400001
8. The Territory Manager (Retail), Barauni, Petroleum Corporation Limited, On N.H.-31, P.O.-Papraur, District-Begusarai
9. General Manager (Product), Bihar State Development Corporation Limited, Central Technical Workshop Campus near Airport, Sheikhpura, Patna-14

.... .... Respondent

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#### Appearance :

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|----------------------|-------------------------------------------------------|
| For the Petitioner/s | : Mr. Ajay Kumar Thakur, Adv<br>Mr. Ritwaj Raman, Adv |
| For the BPCL         | : Mr. Sanjay Singh, Adv                               |
| For the State        | : Mr. Sanjay Kumar, AC to GA13                        |

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

**Date: 05-03-2018**

The present writ petition has been filed for the following reliefs –

- (i) For issuance of appropriate writ/writs, direction/directions in the nature of certiorari for quashing the letter vide letter no. 708 dated 21.04.2017 issued under the signature of Executive Engineer, Road Division, Road Construction Department, Patna City Road



Division, Gulzarbagh, Patna by which a demand of Rs. 8,06,513/- has been made in lieu of the amount against the salami and annual lease for the use of small flank of road as approach road before issuance of 'No objection Certificate' in the name of the petitioner which is required for the purpose of opening of new retail outlet dealership at location Mokama Town, Mauza Gayashpur, District Patna.

- (ii) For issuance of appropriate writ/writs, direction/directions in the nature of mandamus or writs, order or orders directing the respondent authorities to issue "No objection Certificate" in the name of the petitioner in terms of parameter stipulated in Advertisement for which the letter of intent has been issued in favour of the petitioner vide letter dated 31.12.2012 and in consonance with Rule 144 of Chapter VII of the Indian Petroleum Rules, 2002 for which the petitioner is ready to deposit the required amount on the basis of prevailing rate at the time of issuance of advertisement and accordingly would be demanded by the respondent authority and further prays for directing the respondents to pay compensation/loss caused due to the undue delay in issuing No objection Certificate even after fulfilling the criteria laid down by the respondent themselves in the advertisement.
- (iii) For any other relief/reliefs to which the Hon'ble Court may grant in the interest of public that



may be deemed appropriate and necessary in the case.

2. Interlocutory Application No. 1154 of 2018 has been filed with a prayer for withdrawal of the writ petitions stating that the respondents have given assurance to consider the matter.

3. Learned counsel for the State as well as learned counsel for the respondent-Corporation have no objection to withdrawal of the writ petition.

4. The writ petition accordingly stands dismissed.

**(Vikash Jain, J)**

Chandran/BT

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| AFR/NAFR          | NAFR       |
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