

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.808 of 2017
IN
Civil Writ Jurisdiction Case No. 4290 of 2014**

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Alok Kumar Son of Bhuneshwar Prasad Singh Resident Of Village- Binvalia, P.S.-
Shikarpur, District- West Champaran

.... Petitioner -Appellant/s

Versus

1. The Indian Oil Corporation Through The General Manager, Lok Nayak Jai Prakash Bhawan, Dak Bungalow Chowk, Patna 800001
2. The General Manager, Indian Oil Corporation (Marketing Division) Dak Bungalow Chowk, Patna 800001
3. The Senior Retail Divisional Retail Sales Manager, Indian Oil Corporation, Muzaffarpur Divisional Office, Akhara Ghat Road, Muzaffarpur
4. Arbind Kumar Mishra S/O Braj Kishore Mishra Resident Of Village + Post- Belwa More, P.S.- Lauria, District- West Champaran
5. Mala Devi W/O Anil Kumar Mishra Resident Of Village- Mujara, P.O.- Ramnagar, P.S.- Ramnagar, District- West Champaran

.... Respondents-Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Shree Nivas Madhuvan Mr. Shekhar Singh
For the Respondent/s	:	Mr. Anil Kumar Sinha Mr. Akash Keshav and Mr. Yash Mathur

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-01-2018

Seeking exception to an order dated 10.04.2017 passed by
the learned Writ Court in CWJC No. 4290 of 2014 this appeal has
been filed under Clause 10 of the Letters Patent.

In the matter of allotment of a Petroleum Outlet by the
Indian Oil Corporation under Kishan Seva Kendra, Binvalia, West
Champaran, Bihar, the petitioner challenged the allocation made in



favour of the private respondents and the challenge having been failed this writ petition.

It was the case of the petitioner before the learned Writ Court and so before this Court that for grant of allotment the applicant should have the capacity to provide land and infrastructure facility and should have clear title to the land and own land. 35 marks are awarded in case of clear title of own land by a registered sale deed is examined. But if a “Firm Offer” of the land is established by the document, 25 marks are awarded. It is the case of the petitioner that the respondents only produced registered agreement for sale which had lapsed and, therefore, they could not be considered in comparison of the petitioner who had produced the sale deed. However, the learned Writ Court examined the matter and found that the respondents have been awarded preference based on the documents which fell in the category of “Firm Offer” with regard to the land and, therefore, did not find any illegality in the action taken. Subsequently, the award has also been made more than four years back in the year 2013 and now we are informed that there is no dispute to the land on which the outlet is situated.

The learned Writ Court in the matter of evaluating the document produced by the respondents *Mahadanama* as discussed the issue in the following manner:-



“It was submitted by the respondents that the Mahadanama being a Firm Offer is an acceptable document as per terms of the Brochure. It was further submitted that it was a registered document and in terms of the Brochure, being registered, was not required to be notarized in the category “Firm Offer”. Thus, it was for such reasons and also because the land offered by the petitioner has been given full 35 marks over and against the 25 marks given to respondent no. 4, there was no irregularity in the award of marks on this account.”

We find that the learned Writ Court evaluated the matter correctly and there is nothing on the basis of which it can be held that the aforesaid finding of the Writ Court is erroneous warranting reconsideration.

We find no error in the order of the learned Writ Court.
The appeal therefore dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mr1./-

AFR/NAFR	NAFR
CAV DATE	N.A.
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