

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17816 of 2017

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Ram Niwas Sharma son of Late Vidya Prasad Singh, resident of village - Kab,
P.S. - Rani Talab, District - Patna.

.... Petitioner

Versus

1. The Senior Divisional Retail Sales Manager, Indian Oil Corporation Ltd., Marketing Division, Begusarai Divisional Office, Begusarai, Bihar.
2. The Chief Divisional Retail Sales Manager, Indian Oil Corporation Ltd., Block - A, Maurya Lok Complex, 3rd Floor, Dak Bunglow Road, Patna.
3. The District Magistrate-cum-Collector, Patna.
4. The Sub-Divisional Officer, Paliganj, District - Patna.
5. The Circle Officer, Paliganj, District - Patna.
6. Shashank Shekhar son of Sri Sanjiv Kumar, resident of village - Ankuri, P.S. - Paliganj, District - Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Vinay Mistry, Advocate.
For the IOC : Mr. Anil Kumar Sinha
Mr. Ankit Katriar, Advocates.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-02-2018

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

“(i) For issuance of a writ in the nature of Certiorari for quashing of the letter dated 01.10.2016 (Annexure-P/1) issued by the Chief Divisional Retail Sales Manager, Indian Oil Corporation Ltd. whereby the petitioner was informed that his candidature has not been found to be eligible for RO Dealership on the ground that land is not meeting NHAI Norms as the intersection with SH 2 is only at distance of 970 M and the petitioner was also asked to file his objection against the rejection of the candidature within 10 days from the date of this letter as the



candidature of the petitioner has been rejected without making measurement through the proper method in accordance with law.

(ii) For issuance of a writ in the nature of Certiorari for quashing of the letter dated 20.04.2017 (Annexure-P/3) issued by the Chief Divisional Retail Sales Manager, Indian Oil Corporation Ltd. whereby the petitioner was informed that his candidature was rejected on 01.10.2016 after verification of the petitioner's representation dated 07.10.2016 on the ground the offered plot is not meeting NHAI Norms as the intersection with SH 2 is only at distance of 970 M and the petitioner was also asked to file his objection against the rejection of the candidature within 10 days from the date of this letter as the grounds raised by the petitioner in the objection dated 07.10.2016 was not at all taken into consideration by the respondent-Indian Oil Corporation Ltd.

(iii) For issuance of a writ in the nature of Mandamus directing the respondents to make the fresh measurement of location in question through proper method in accordance with law in presence of the petitioner and the respondents and after making the fresh measurement the location in question is found within 3 KM from Mahabalipur Chowk on NH 98 then the respondent-Indian Oil Corporation Ltd. be directed to appoint the petitioner for RO Dealership in the facts and circumstances of the case.

(iv) For issuance of a writ in the nature of Mandamus directing the respondents not to appoint the respondent no. 6 for RO Dealership in terms of the advertisement dated 26.10.2014 as the respondent no. 6 is not the



absolute owner of the land for which he has submitted the document of title of his ownership of land before the Indian Oil Corporation Ltd. for RO Dealership rather the land is still a joint family property of the respondent no. 6.
(v) *For issuance of such other writ(s), order(s), direction(s) as your Lordships may deem fit and proper.*

2. At the very outset, learned counsel for the petitioner submits that it will suffice if the petitioner's representation dated 02.05.2017 (Annexure-P/4) and its follow up in terms of representation dated 20.10.2017 (Annexure-P/7) filed before the Chief Divisional Retail Sales Manager, Indian Oil Corporation Ltd., Patna (Respondent No. 2) is directed to be disposed of, in which event, the present writ petition need not be pressed on merits.

3. Learned counsel for the respondents appears and has been heard.

4. Having regard to the nature of the grievances and the stand of the petitioner, the present writ petition is disposed of with a direction to the Chief Divisional Retail Sales Manager, Indian Oil Corporation Ltd., Patna (Respondent No. 2) to consider and dispose of the petitioner's representation 02.05.2017 (Annexure-P/4) and its follow up in terms of representation dated 20.10.2017 (Annexure-P/7), if the same is pending before him, after grant of opportunity of hearing to the petitioner in accordance with law expeditiously and preferably within a period of eight weeks from the date of receipt/production of a



copy of this judgment.

(Vikash Jain, J)

Md. Ibrarul/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	23.02.2018
Transmission Date	N.A.

