

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17506 of 2018

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Varun Chandra, Son of Akhileshwar Sharma, resident of village-Angra, P.S.- Anti,
Block-Konch, District-Gaya-824126

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Gaya.
3. The Deputy Collector Land Reforms, Gaya.
4. The Circle Officer, Anti under the District of Gaya.
5. Hindustan Petroleum Corporation Limited represented through its Chief Regional Manager, Patna L.P.G. Regional Office, 6th Floor, Lok Nayak Jay Prakash Bhawan, Dakbanglow, Patna.
6. The Territory Manager, Hindustan Petroleum Corporation Limited Patna L.P.G. Regional Office, 6th Floor, Lok Nayak Jay Prakash Bhawan, Dakbanglow, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Niranjan Kumar, Adv.
Mr. Smita Pd., Adv.
For the Resp. Nos. 5 and 6: Mr. Sanjay Kumar Mishra, Adv.
For the State : Sanghamitra Ghosh, AC to GP-15

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
CAV JUDGMENT
Date: 05-09-2018

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

Petitioner seeks quashing of the letter dated 08.08.2018 as
contained in Annexure-5 issued by the respondent Chief Regional
Manager, Hindustan Petroleum Ltd. whereby and whereunder the
candidature of the petitioner for award of LPG Gramin Distributorship



at location Anti, District-Gaya under Open Category has been rejected the FVC fee of Rs. 40,000/- forfeited and an Advertisement for the same location it scheduled to be held on 30.08.2018. Learned counsel for the petitioner submits that in pursuance to the advertisement, petitioner applied for LPG Distributorship and was selected after the draw held on 01.01.2018 and vide letter dated 02.01.2018 he was directed to submit necessary documents for verification of credentials. By the impugned order dated 08.08.2018 as contained in Annexure-5, the candidature of the petitioner was rejected on the ground that he had produced a registered sale deed dated 02.05.1972 in favour of one Shri Dineshwar Singh land for showroom and godown which was not own registered sale deed or registered lease deed as stipulated in Unified Guidelines for Selection of LPG Distributorship of June, 2017.

Learned counsel for the petitioner submits that the ground for rejection is not sustainable as the land offered by way of registered sale deed dated 02.05.1972 was found at a distance of three kilometers from the advertised location i.e. Anti in the impugned order. He submits that the alternate land which was required to be provided by the petitioner vide letter dated 20.06.2018 postulated that the land for godown would be within 15 kilometers of the advertised location and land being within three kilometers of the advertised location, ground



for rejection was unsustainable. He further submits that clause 8 (j) of the Unified Guidelines for Selection of LPG Distributorship of June, 2017 as contained in Annexure 6 does not speak of common eligibility criteria of having own land or land on registered lease deed as it only postulates that physical and mental sound person would be the applicants who would be able to run the business, hence the said clause (j) was not applicable for rejection of the candidature of the petitioner. He further submits that the land belonged to the grand father of the petitioner, Dineshwar Singh as evident from the genealogy table annexed as Annexure-9 dated 05.07.2016. Petitioner being the grand son, hence, it was the ancestral land offered by the petitioner and the candidature could not have been rejected.

Learned counsel for the respondent-Hindustan Petroleum Corporation Ltd., however, submits that the land deed as contained in Annexure-8 of the writ application is of a land of Mauza Chanaini and not of the advertised location i.e. Anti. He further submits that clause 8 (j) of the Brochure of Unified Guidelines for Selection of LPG Distributor as contained in Annexure-6 of the writ application is not the correct Brochure as the language of 8 (j) of the Unified Guidelines for Selection of LPG Distributorship is as follows:-

*“8(j) **Showroom**: (Applicable only for Sheheri Vitrak, Rurban Vitrak, and Gramin Vitrak locations and not for Durgam Kshetriya Vitrak)*



The applicant should 'Own' a suitable shop for Showroom of minimum size 3 metre by 4.5 metre in outer dimension or a plot of land for construction of showroom of minimum size 3 metre by 4.5 metre as on the last date for submission of application as specified either in the advertisement or corrigendum (if any) at the advertised location i.e. within the municipal/town/village limits of the place which is mentioned under the column of 'location' in the advertisement.

In case locality is also specified under the column of 'location' in the advertisement, the candidate should own a suitable shop of minimum size 3 metre by 4.5 metre in outer dimension or a plot of land for construction of showroom of minimum size 3 metre by 4.5 metre as on the last date for submission of application as specified either in the advertisement or corrigendum (if any) as per the standard layout in the said 'locality'. It should be easily accessible to general public through a suitable approach road.

In case an applicant has more than one shop of minimum size 3 metre by 4.5 metre in outer dimension or a plot of land for construction of showroom of minimum size 3 metre x 4.5 metre as on the last date for submission of application as specified either in the advertisement or corrigendum (if any) at the advertised location or locality as specified under the column of 'location' in the advertisement, the details of the same can also be provided in the application.

The applicant should have ownership as defined under



the term 'Own' above in the name of applicant/ member of "Family Unit" (as defined in multiple dealership/ distributorship norm of eligibility criteria)/ parents (includes Step Father/ Step Mother), grandparents (both maternal and paternal), Brother/Sister (including Step Brother & Step Sister), Son/Daughter (including Step Son/Step Daughter), Son-in-law/ Daughter-in-law of the applicant or the spouse (in case either in the advertisement or Corrigendum (if any). In case of ownership/co-ownership by family member(s) as given above, consent in the form of a declaration from the family member(s) will be required.

Applicants having registered lease deed commencing on any date prior to the date of advertisement will also be considered provided the lease is valid for a minimum period of 15 years from the date of advertisement.

The same piece of land for showroom cannot be offered by more than one applicant for a particular location against the advertisement. In case it is found at any stage that the same piece of land for showroom has been offered by more than one applicant for the same location of the advertisement, then all such applications would be rejected or if selection has been done, then the same would be cancelled.

Opportunity to offer alternate land for Godown and/or showroom

In case if the offered land for Godown and/or offered land for showroom by the selected candidate which is shown in the application is found not meeting the



eligibility conditions/requirements as stipulated in the advertisement/brochure/ application at the verification (FVC) stage, then the selected candidate can offer an alternate land which is owned by the applicant/member of the 'Family Unit'/ parents (includes Step Father/Step Mother), grandparents (both maternal and paternal), Brother/Sister (including Step Brother & Step Sister), Son/ Daughter (including Step Son/ Step Daughter), Son-in-law/Daughter-in-law of the applicant or the spouse (in the case of married applicant) as on the last date for submission of application as specified either in the advertisement or corrigendum if any.

Selected candidate, who has been issued an Letter of Intent (LOI) can offer an alternate land which is owned by the applicant/member of the 'Family Unit'/ parents (includes Step Father/Step Mother), grandparents (both maternal and paternal), Brother/Sister (including Step Brother/Step Sister), Son/Daughter (including Step Son/Step Daughter), Son-in-law/Daughter-in-law of the applicant or the spouse (in the case of married applicant) for construction of Godown/Showroom, in the advertised location provided the land originally offered in the application was meeting all the specifications as laid down in the advertisement and on the basis of which LOI is issued."

The Brochure of Unified Guidelines for Selection of LPG Distributor which the petitioner has enclosed is not the correct Unified Guidelines and the candidature of the petitioner has been rightly



rejected as per Sub Clause (w) of Clause-1 and Clause 8 (j) as he did not fulfill the criteria of having ownership title of the property or any undertaking has been given by the petitioner. The undertaking or no-objection has to be given by the other coparceners of the said ancestral land offered as an alternate land by the petitioner.

Considering the rival submissions of the parties, the selection of LPG Distributorship has to be strictly in accordance with Unified Guidelines for Selection of LPG Distributorship and as per advertisement. The land offered by the petitioner was by way of registered sale deed but no title and ownership of the said land was revealed by the petitioner, further, it situated in Mauza Chanaini wherein the location specified was Anti in the District of Gaya. Hence, the writ application has no merit. It is dismissed.

(Nilu Agrawal, J)

Devendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.09.2018
Transmission Date	NA

