

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No. 14305 of 2017
Date of Decision: 8.5.2018**

Satish Kumar

.....Petitioner

v.

Indian Oil Corporation Limited and another

.....Respondents

CORAM HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Sanjiv Gupta, Advocate, for the petitioner
Mr. Ashish Kapoor, Advocate, for the respondents

RAKESH KUMAR JAIN, J.

The petitioner has prayed for the issuance of a writ in the nature of certiorari for quashing the letter/order dated 15.6.2017 by which the candidature of the petitioner for allotment of KSK Dealership at Village Daya on Mangali-Daya Road, District Hisar, has been cancelled.

In brief, the Indian Oil Corporation Limited (for short the 'Corporation') had issued an advertisement on 21.10.2014 for awarding KSK Dealership at Village Daya on Mangali-Daya Road, Hisar. The allotment of the said dealership was governed by the Brochure for Selection of Dealers for Regular and Rural Retail Outlets dated 9.10.2014. The petitioner filed the requisite application on the basis of which his name was put in draw of lots in which he was successful. However, on a complaint filed by the competitor of the petitioner, an enquiry was held and the candidature of the petitioner was cancelled with the following findings :-

“IO has submitted in findings that there was one marla of land bearing

khasra No. 274 Min/115, Khata No. 326 Min Khasra No. 16/21/1/1/2 (0-1), owned by Shri Mahendra, Shri Rajendra and Shri Ragubir, which was abutting the road. This fact was concealed by the applicant. However, the applicant subsequently has got the same bearing khasra No. 274 Min/115, Khata No. 326 Min Khasra No. 16/21/1/1/2 (0-1) leased from the said land owners vide lease registration No. 5624 dated 28.9.2016 for thirty years, whereas the draw of lot was carried out on 21.9.2016. In this regard, IO has also obtained a confirmation letter No. 1363 dated 16.5.2017 from Tehsildar-Hisar (Annexure V). ”

Learned counsel for the petitioner, inter alia, contends that before passing the impugned order, the respondents have not provided him an opportunity of hearing, otherwise the petitioner has offered the land which was mentioned in the criteria.

On the other hand, learned counsel appearing on behalf of the Corporation, with reference to a site plan/aksh shajra, has submitted that land offered by the petitioner falls in Khasra No. 25/2/2 and khasra No.16/21/1/1. According to the respondents, there is a gap of about one marla between the land offered by the petitioner and the main road, therefore, the petitioner would not be in a position to set up the petrol pump.

On the other hand, learned counsel for the petitioner, while relying upon the aksh shajra, attached as Annexure P-10 with the petition, has denied this fact and submitted that the petitioner had to provide a plot having the front of 35 meters with the depth of 35 meters as well.

After hearing learned counsel for the parties and keeping in view the aforesaid facts and circumstances, I am of the considered opinion that in such type of matters where there is a dispute even about the aksh shajra, opportunity of hearing should have been given to the petitioner before passing the impugned order.

Therefore, the present writ petition is hereby allowed and the impugned order is set aside and the matter is remanded bak to the Corporation to re-decide the same after associating the petitioner in the process of decision.

It is needless to mention that the respondent shall pass a speaking order.

The petitioner is directed to appear before the Corporation on 10.7.2018.

(RAKESH KUMAR JAIN)
JUDGE

8.5.2018.
Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No