

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13907 of 2019

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Dhruwa Shankar, S/o Shri Birendra Singh, Resident of Village- Gopalpur,
P.O. and P.S.- Pachrukhi, District- Siwan PIN- 841241.

... .. Petitioner

Versus

1. The Union of India through the Secretary, Ministry of Petroleum and Natural Gas (MOP and NG), Shastri Bhavan, New Delhi, PIN- 110001.
2. The Bharat Petroleum Corporation Limited, through its Chairman and Managing Director, having its registered office at Bharat Bhavan, 4 and 6 Currimbhoy Road, Ballard Estate, Mumbai- 400001.
3. The Chairman and Managing Director, Bharat Petroleum Corporation Limited, having its registered office at Bharat Bhavan, 4 and 6 Currimbhoy Road, Ballard Estate, Mumbai 400001.
4. The Head of Territory office, T M Retail, Bharat Petroleum Corporation Ltd., Muzaffarpur, Muzaffarpur POL Depot, Village Sherpur, NH 28, Near Narayanpur Anant Railway Station, PO MIC Bela, District- Muzaffarpur 842005.
5. The Land Evaluation Committee through the Head of Territory Office, T M Retail, Bharat Petroleum Corporation Ltd., Muzaffarpur, Muzaffarpur POL Depot, Village- Sherpur, NH 28, Near Narayanpur Anant Railway Station, PO MIC Bela, Dist.- Muzaffarpur- 842005.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Navendu Kumar, Advocate
For the BPCL	:	Mr. Sanjay Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date : 22-11-2019

In view of the discrepancies found in the impugned order / communication dated 1 April, 2019 as contained in Annexure '9' to the writ application and what has been stated in the counter affidavit with reference to Annexure 'A' this court is of the considered opinion that the Land Evaluation Committee (hereinafter referred to as the 'Committee') must take a fresh



measurement of the land offered by the petitioner in his presence as well as in presence of the Block Circle Officer or any other person duly authorized by him with a prior notification of the date on which the evaluation team would visit.

Learned counsel for the petitioner has shown from Annexure '7' to the writ application that earlier on 27th March, 2019 the date of inspection was notified to be held on 6th April, 2019 but all of a sudden on March, 29, 2019 at 6:00 p.m. vide Annexure '8' to the writ application, the petitioner was asked to be present at site. No time was notified in Annexure '8' and as it is evident the e-mail itself is of 6:00 p.m. when it was going to be sunset. In this communication dated April 1, 2019 (Annexure '9'), the respondent Bharat Petroleum Corporation Limited (hereinafter referred to as the 'Corporation') has stated that the Committee visited the site on 29th March, 2019 and found the same to be not meeting the required norms but in Annexure 'A' to the counter affidavit it has been shown that the Committee visited the site on 30.03.2019. Although a plea has been taken in the counter affidavit that the measurement was taken on 30.03.2019 in presence of the petitioner but it is the stand of the petitioner that on 30.03.2019 at about 7:00 a.m. the Committee asked the petitioner to sign on the sketch (Annexure 'A') on the basis of the evaluation done by them



on 29.03.2019 which the petitioner signed in good faith. In Annexure 'A' no discrepancy was found and the petitioner was never given to understand that the land offered by him was measuring short.

This Court also finds that the part of Annexure 'A' which is required to show the detail reason only says "area of land is less than the minimum required area". What is the area of land and what was required to be the minimum area has not been mentioned, moreover the second page of Annexure 'A' has not been signed by the petitioner.

For the aforesaid reasons the communication as contained in Annexure '9' to the writ application is hereby set-aside. The respondent-Corporation is directed to take fresh measurement in presence of the petitioner and the Circle Officer or any other person duly authorized by him pre-notified date and take appropriate decision thereafter.

The writ application stands disposed of accordingly.

Learned counsel for the Corporation has informed this Court that though fresh draw of lot has been held in the meantime but no third party right has been created so far.

This Court finds from the interim order dated 16.10.2019 passed in this case that while granting time to the



Corporation to file counter affidavit, it was made clear that any action taken by the respondent-Corporation shall be subject to the result of the writ application. Thus, the subsequent action shall abide by the order of this Court.

(Rajeev Ranjan Prasad, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	22.11.2019
Transmission Date	

