

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25389 of 2019

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Nalini Kumari Wife of Shri Shiv Kumar, Resident of Near Shiv Mandir,
Dadupur, Bikram, District- Patna, Pin Code- 801104

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Bihar, Patna.
2. District Magistrate, Patna.
3. Chief Executive Officer, Patna Metropolitan Area Authority, Patna.
4. Hindustan Petroleum Corporation Limited, through its Deputy General Manager- Retail, Regional Office, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava, Advocate
For the Respondent/s	:	Mr. Subhash Pd. Singh (GA 3)
		Mr. Shiv Kumar, AC to GA 3
For the Respondent no. 4:		Mr. Rajeev Prakash, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 19-12-2019

The petitioner has been chosen to be a concessionaire by the respondent/Hindustan Petroleum Corporation Limited. However, the retail outlet is not being opened for "no objection certificate" which is a mandatory requirement, has not been issued by the District Magistrate, Patna.

The averments made in the writ petition reveal that all other authorities which were asked by the District Magistrate to give "no objection" certificate have come up with their response and have given their "no objection"



certificate except for the Patna Metropolitan Area Authority. Only because of this, the outlet has not been opened by the petitioner.

A public authority is under an obligation to dispose of such representations or carry out such obligation which is entrusted to it.

It appears that several representations have been preferred by the petitioner before the Chief Executive Officer, Patna Metropolitan Area Authority, but for no reason, much less any explicable reason, no communication has been made in that regard to the District Magistrate for him to give a "no objection" certificate.

This Court, therefore, considers it appropriate to direct the District Magistrate, Patna, on receipt of a copy of this order, to seek information from the Chief Executive Officer, Patna Metropolitan Area Authority, Patna as to the reason for non-supply of the aforesaid "no objection certificate". If at all there is any impediment in giving such



“no objection” certificate, that also must be known to the District Magistrate. If it is only inaction on the part of respondent no. 3, the District Magistrate would be under an authority to take proper action for preventing such lack-luster approach in dealing with public duty. If “no objection” certificate is received by the District Magistrate from respondent no. 3, necessary communication in that regard be made to the petitioner at the earliest.

The entire exercise be completed within a period of sixty days from the date of production of a copy of this order before the District Magistrate.

With the aforesaid direction/observation, the writ petition stands disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.12.2019
Transmission Date	

