

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8056 of 2019

=====

Ram Babu Prasad Rai, aged about 38 years, Gender-Male, Son of Shri Ram Bali Rai, Resident of Village- Sarai Mujaffar, P.O.- Parsa, P.S.- Dariyapur, District- Saran.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Petroleum and Natural Gas, Government of India, Shashtri Bhawan, New Delhi- 110001.
2. The Additional Secretary (Marketing), Ministry of Petroleum and Natural Gas, Shashtri Bhawan, New Delhi- 110001.
3. The Chairman-cum-Managing Director, through the Company Secretary, Hindustan Petroleum Corporation Ltd. Petroleum House, 17 Jamshedjee Tata Road, Mumbai- 400020.
4. The Senior Regional Manager, Hindustan Petroleum Corporation Ltd., Regional Office, 6th Floor, Lok Nayak Bhawan, Dak Bungalow Chauk, Fraser Road, Patna- 800001.
5. Sanjay Kumar Sah, Son of Ravindra Sah Resident of Village- Gorigawn, P.O.- Babhangawn, P.S.- Parsa, District- Saran.
6. Gyanti Devi, Wife of Sanjay Kumar Sah Resident of Village- Gorigawn, P.O.- Babhangawn, P.S.- Parsa, District- Saran.
7. Ajay Kumar Sah, Son of Ravindra Sah Resident of Village- Gorigawn, P.O.- Babhangawn, P.S.- Parsa, District- Saran.
8. Deepak Kumar, Son of Ajay Rai Resident of Village- Bhaluahiya, P.O. and P.S.- Parsa, District- Saran.
9. Rahul Kumar, Son of Suresh Prasad Resident of Village- Sarai Saho, P.O.- Parsa, P.S.- Dariyapur, District- Saran.
10. Shyam Sundar Rai, Son of Dharam Nath Rai Resident of Village- Sarai Saho, P.O.- Parsa, P.S.- Dariyapur, District- Saran.

... .. Respondent/s

=====

Appearance :



For the Petitioner/s : Mr. Madhaw Prasad Yadaw, Adv.
For the HPCL : Mr. Rajeev Prakash, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT
Date : 07-01-2020

The petitioner has approached this Court for a direction to the respondents not to resort to the draw of lots for selecting the dealer for regular and retail outlet of Hindustan Petroleum Corporation Ltd.

2. The aforesaid prayer has been made on the strength of one of the terms/clauses of the guidelines in that regard, which mandate that in case only one eligible person is the applicant, then in that event, there would be no requirement of drawing of lots for the selection of candidate and an agreement can be entered into with such lone eligible candidate.

3. Though the petitioner has made a categorical statement in the writ petition that all other applicants, viz., respondent Nos. 5 to 10 do not possess the requisite quality of land for their bid to be responsive to the advertisement, but such statement is based on the personal knowledge of



the petitioner. Such personal information, without there being any basis for the same, cannot be relied upon by any Court for issuance of *Mandamus*.

4. Having failed on this count, the learned counsel has rightly prayed for a direction to the respondents to dispose of the complaint/representation made on his behalf before the Managing Director, Hindustan Petroleum Corporation Ltd.

5. Though with some reluctance, but keeping in mind the principle that any complaint made before a public authority must be adverted to, this Court only directs that the representation/complaint of the petitioner be disposed off at the earliest, preferably within a period of four weeks, by a reasoned order in accordance with law.

6. The writ petition stands disposed off in terms of what has been stated above.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.01.2020
Transmission Date	N/A

