

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10023 of 2020

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Amrit Kumar Singh S/o Rajesh Kumar Singh Village and P.S.- Srinagar,
District- Madhepura.

... .. Petitioner/s

Versus

1. Union of India through Ministry of Petroleum and Natural Gas, Shastri Bhawan, New Delhi- 110001.
2. The Director, Petroleum and Natural Gas, Shastri Bhawan, New Delhi- 110001.
3. The Chairman, Indian Oil Corporation Limited, G-9, Ali Yavar Jung Marg, Bandra (East), Mumbai- 400051.
4. The Senior Divisional Retail Sales Manager, Indian Oil Corporation Limited, Begusarai Divisional Office, Barauni Refinery, Begusarai.
5. The District Magistrate, Araria.
6. The Sub- Divisional Officer, Araria.
7. The Executive Magistrate, Araria.
8. The Special Executive Officer, Araria.
9. The Circle Officer, Raniganj, Araria.
10. The Mukhiya, Gram Panchayat Raj Barbanna, Raniganj Block, Araria.
11. Smt. Pinky Priya W/o Sri Rajesh Kumar Thakur Resident of Village- Hasanpur, P.S.- Raniganj, District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha,Adv
For the Respondent/s : Mr.Dr.K.N.Singh (ASG)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-11-2021

Heard learned counsel for the parties.

The petitioner has prayed for the following reliefs:-

“1. That this writ application is being filed in the nature of mandamus or any other appropriate writ/ writs, order/ orders, direction/ directions for commanding the respondents to consider the claim of the petitioner for

granting the retail outlet dealership of Indian Oil Corporation Limited (herein after referred to as the corporation) at between Resham Lal Chowk and Raniganj on NH-327E, District-Araria under OBC category advertised on 26.10.14. This writ application is also being filed for a direction to the respondents to cancel the retail outlet dealership to the respondent no.9 of the corporation which has been issued recent', on no objection certificate/ report of the official respondents 4, in respect of the land bearing Khata no.282, Khesara no.515 having an area of 52 decimals which was refused earlier by the respondent District Magistrate vide order dt.25.08.2018. This writ application is also being filed for restraining the respondents from execution of lease between the respondent no.9 and the respondent corporation in respect of outlet dealership at between Resham Lal Chowk and Raniganj on NH-327E, District-Araria under OBC category advertised on 26.10.14, if any, at the alleged place bearing Khat No.282, Khesara No.515 having an area of 52 decimals. This writ application is also being filed for restraining the respondents from any construction of outlet dealership of the respondent no.9 on the basis of lease in respect of outlet dealership , if any, at between Resham Lal Chowk and Raniganj on NH-327E, District-Araria at the alleged place bearing Khat No.282, Khesara No.515 having an area of 52 decimals. The petitioner be extended any other relief/ reliefs for which he found entitled. The petitioner along with others submitted application for obtaining outlet dealership of the corporation at between Resham Sal Chowk and Raniganj on NH-327E, District-Araria under OBC ategory in pursuant to the advertisement dated 26.10.2014 The application turned down vide communication dt. 08.12.2016 on the ot meeting NHAILI ground that the plot offered by the petitioner is n (National Highway Authority of India) norms including other reason; The petitioner has been directed to file grievance against rejectigo n of his candidature and extended 10 days time to make representation. Accordingly, the petitioner submitted his grievance on 23.12.2016. Thereafter, the petitioner offered another plot bearing Khata no. -136, Khesara no.-520 having an area of 50 decimals and applied for obtaining no objection certificate before the respondent Circle Officer on 31.12.2016. The respondent Circle officer issued no objection certificate in favour of the petitioner vide memo no.113 dt.18.01.2017. It is relevant to state here that after receiving the no objection certificate, the Deputy Director of the respondent corporation made queries in respect of verification of the land in question along with right of record which was duly verified and reported vide report

dt.13.04.2017. The selection of outlet dealership of the petitioner was in process and but in the intervening period, it seems that the respondent no.8 utilized her power and obtained recommendation from Circle Officer in her favour vide recommendation dt. 12.05.2018. The petitioner came across with the recommendation dt.12.05.2018 in favour of the respondent no.8 and as such the petitioner submitted his objection before the respondent District Magistrate vide objection dt.23.05.2018 alleging that the respondent Circle Officer has recommended for outlet dealership of the respondent no 8 solely to debar the petitioner for the same. The Petitioner 11150 stated that there is 11000 electric wires crossed though the land which has been offered by the respondent no.8. The "encroachment of the land in question is also erroneous, the public road has been included in the land. The respondent no.8 has obtained the land in question through lease which is near the village road. The office of the respondent District Magistrate directed enquiry in respect of objection of the petitioner vide order dt. 24.05.2018. The respondent S.D.O. obtained on the spot enquiry through Executive Magistrate on 10.07.2018 who has reported that the objection of the petitioner is genuine one and required consideration. The S.D.O. sent report to the office of the District Magistrate on 26.07.2018 thereafter the respondent District Magistrate turned down the proposal of no objection certificate in favour of the respondent no.8 vide order dt. 25.8.2018. It is relevant to state here that recently the petitioner came across with the fact that the respondent no.8 obtained no objection certificate for outlet dealership on the same land which were rejected earlier vide order dt. 25.08.2018 and as such again filed complain before the respondent District Magistrate vide his complain dt. 21.05.2020 but the complain of the petitioner is unattended even after lapse of three months and the petitioner has reasons to believe that the respondents have ignored the condition of Indian Oil Corporation Limited as well the National Highway Authority of India for issuance of no objection certificate in respect of outlet dealership due to the reasons best known. The petitioner has already submitted his objection before the respondent corporation on 17.11.2017 followed by reminder dt. 08.12.2017 but in vain."

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider

and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in

accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits of the matter. All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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