

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 1544 of 2021

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Bihar Petroleum Dealer's Association, a society registered under the Societies Registration Act having its registered office at Bhagwanpur Chowk, N.H. 28, near Ideal Service Station, P.S. Bhagwanpur, District Muzaffarpur, through its President Prabhat Kumar Singh, Male, aged about 55 years, son of Bhup Narayan Singh, resident of Near Ideal Service Station, P.S. Bhagwanpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Joint Secretary, Government Management Cell, Road Construction Department, Government of Bihar, Patna.
3. Engineer-in- Chief-cum- Additional Commissioner-cum- Special Secretary, Road Construction Department, Government of Bihar, Patna.
4. The Chief Engineer, National Highway Division, Road Construction Department, Government of Bihar, Patna.
5. Executive Engineer, Road Construction Department, Road Division, Bettiah.
6. Executive Engineer, Road Construction Department, Road Division, Gulzarbagh.
7. Executive Engineer, Road Construction Department, Road Division, Bhagalpur.
8. Executive Engineer, Road Construction Department, Road Division, Darbhanga.
9. Executive Engineer, Road Construction Department, Road Division, Hajipur.
10. Executive Engineer, Road Construction Department, Road Division, Madhubani.
11. Executive Engineer, Road Construction Department, Road Division, Madhepura.
12. Executive Engineer, Road Construction Department, Road Division, Jehanabad.



13. Executive Engineer, Road Construction Department, Road Division, Motihari.
14. Executive Engineer, Road Construction Department, Road Division, Samastipur.
15. Executive Engineer, Road Construction Department, Road Division, Sitamarhi.
16. Executive Engineer, Road Construction Department, Road Division, Rosra.
17. Executive Engineer, Road Construction Department, Road Division, Chapra.
18. Executive Director cum State Level Coordinator, Indian Oil Corporation Ltd. Bihar State Office, Loknayak Bhavan Patna.
19. The State Head, Bharat Petroleum Corporation Ltd. Ashiana Chamber, Exhibition Road, Patna.
20. The Deputy General Manager (Retail), Patna Region, Hindustan Petroleum Corporation, Lok Nayak Bhavan, Patna.
21. The Deputy General Manager (Retail), Begusarai Region, Hindustan Petroleum Corporation Ltd., Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan, Advocate
Mr. Shakti Suman Kumar, Advocate
Mr. Atul Shankar, Advocate
For the Respondent/s : Mr. Syed Iqbal Ahmad, S.C. 20

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-



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- (i) Issuance of a writ in the nature of certiorari for quashing the Memo no. 1921(S) dated 08/03/18 whereby and where under the respondents have imposed one time license fee for use of approach road to the petrol pump/Kisan Seva Kendra/Hamara pump along with renewal fee, processing fee and penalty upon the members of the petitioner association as the same is arbitrary, discriminatory and unreasonable.
- (ii) Issuance of a writ in the nature of certiorari for quashing the demand notices as contained annexure- 2 series issued in the light of Memo no.1921(S) dated 08/03/18 whereby and where under the respondents have demanded one time license fee for use of approach road to the petrol pump/Kisan Seva Kendra/Hamara pump along with renewal fee, processing fee and penalty from the members of the petitioner association.

- (iii) To hold and declare that the members of the petitioner association are not liable to pay the one time license fee for use of approach road to their respective petrol pump/Kisan Seva Kendra/Hamara Pump.
- (iv) During the pendency of the present writ application the respondents may be restrained from taking any coercive step to realize the license fee in the light of the demand notices.
- (v) Any other relief or reliefs be granted to petitioners to which they are found to be entitled to in accordance with law.

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After the matter was heard for some time, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to enable each one of the



members of the Un-Registered Association to respond to the individual show-cause notices which stand issued to the members of the Association.

Permission granted.

The present petition stands disposed of as withdrawn with the liberty aforesaid. Liberty also reserved to the petitioner to take recourse to such other remedies as are otherwise available in law.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	10.12.2021
Transmission Date	

