

IN THE HIGH COURT OF JUDICATURE AT PATNA

C.W.J.C. No. 350 of 2021

Sabura Khatoon @ Sabora Khatoon, d/o late Kalimuddin, w/o late
Soyeb, r/o vill- Gurihal, PS-Baisi, Dist-Purnea

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Purnea.
2. The District Magistrate, Purnea.
3. The Deputy Collector, Land Reforms, Baisi, Purnea.
4. The General Manager (Retail East) Bharat petroleum Corporation Ltd, Bharat Bhawan, Plot no. 31, K.I.T. Scheme-118, Prince Chulam Mohammad Shah Road, Kolkatta.
5. The Territory Manager, (Retail) Barauni, Territory, NH 31, PO Papraur, PS-Barauni, Dist-Begusarai.
6. Usman Gani (owner of Hena Petrol Pump Baisi) s/o late Kalimuddin, r/o vill-Baisi Bazar, PS- Baisi, Dist-Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Namrata Mishra, Advocate

For the respondent : Mr. R.K. Roy, (GP 18)

For B.P.C.L. : Mr. Siddhartha Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 21-09-2021 The instant petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

The present petition has been filed seeking the following reliefs :-



- (i) *For setting aside the letter dated 475/Sa dt. 27.03.2008 issued by District Magistrate, Purnea, issued to respondent no. 5, by which No Objection Certificate has been issued by the same in favour of Private respondent no. 6, for opening retail outlet for sale of Petroleum Products.*
- (ii) *For commanding and directing respondent no. 5 to immediately suspend the license of the private respondent no. 6 for running the petrol pump, in the light of the judgment and decree passed by the learned court below in Title Suit no. 03/2009.*
- (iii) *For holding that impugned letter dated 27.03.2008 (No Objection Certificate) issued by learned District Magistrate, Purnea was not sustainable in the light of the judgment and decree dated 10.01.2020 and 23.01.2020 respectively, passed by learned Sub Judge (Civil Judge Senior Division) Baisi, Purnea, in connection with Title Suit no. 03/2009.*
- (iv) *For holding that in the light of the observation made by this Hon'ble High Court in CWJC no. 10808/2011, license of private respondent no. 6 should have been immediately suspended/ cancelled by the*
- , after decision in Title Suit no.*



03/2009.

- (v) *For also holding that learned District Magistrate, Purnea should have recalled the No Objection Certificate dated 27.03.2008, contained in letter no. 475/Sa, in the light of the judgment and decree passed by the learned court below in Title Suit no. 032009, till disposal of Title Appeal no. 17/2020, filed by private respondent no. 6 and ors.*
- (vi) *For holding that despite being legally entitled to enjoy the proceeds of the disputed land, petitioner has been kept deprived from the same, by the respondents, for years, under the influence of private respondent no. 6, without any rhyme and reason.*

At the outset, the learned counsel for the petitioner submits that the petitioner be granted liberty to approach the District Magistrate, Purnea, before whom the petitioner would place all the relevant documents in order to persuade the District Magistrate to cancel the No Objection Certificate issued in favour of private respondent no. 6. It is also prayed that stipulated time frame be fixed for deciding the case of the petitioner.

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sel for the respondent State Sri R.K.



Roy (GP 18) and the learned counsel for the Bharat Petroleum Corporation Ltd. Sri Siddhartha Prasad do not have any objection.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed of as not pressed, however with liberty to the petitioner to file appropriate representation regarding her aforesaid grievances before the District Magistrate, Purnea and in case, such a representation is filed within a period of four weeks from today, the same shall be disposed of by a reasoned and a speaking order, in accordance with law, within a period of eight weeks, thereafter.

(Mohit Kumar Shah, J)

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