

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.8 of 2021

In

Civil Writ Jurisdiction Case No.7312 of 2020

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Saurav Kishore, son of Jaikishore Prasad, Singh resident of Baijnathpur, Ward No. 11, P.S. - Sour Bazar, District- Saharsa.

... .. Appellant/s

Versus

1. The Indian Oil Corporation Limited, Begusarai Divisional near Barauni Refinery Police Station, Begusarai.
2. The Head of Divisional Officer, Indian Oil Corporation Limited (Marketing Division), Divisional Officer, Begusarai, near Begusarai Refinery Police Station.
3. The Deputy General Manager (Retail Sales), Begusarai Divisional Office, Indian Oil Corporation, Begusarai.
4. The Marketing Division, Bihar State Office, Indian Oil Corporation Limited, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Y. V. Giri, Sr. Advocate Mr. Prashant Sinha, Advocate
For the Respondent/s	:	Mr. Ankit Katriar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 26-08-2021

The appellant has prayed for the following relief/s :-

“That this letters patent appeal is being preferred against the order dated 05.10.2020 passed by Hon’ble Mr. Justice Asutosh Kumar in C.W.J.C. No. 7312/2020 whereby his Lordships has been pleased to dispose of the writ application holding that no direction can be issued to the respondent/Corporation for accepting the claim of the petitioner.”



The present Letters Patent Appeal has been filed against the judgment dated 05.10.2020 passed by a learned Single Judge of this Court in C.W.J.C. No. 7312 of 2020, titled as Saurav Kishore Vs. The Indian Oil Corporation and Ors.

We are not inclined to interfere with the impugned order moreso when the writ-petitioner/appellant himself admitted before the learned Single Judge that the land offered by him did not fall within the advertised stretch which is 2Km from Baijnath round about in District Saharsa.

Para- 2, 3 and 5 of the impugned order makes such fact abundantly clear. We also notice that notwithstanding such fact, the learned Single Judge, as recorded in para-15 of the impugned order, allowed the writ-petitioner to offer alternate stretch of land in terms of the policy, if none-else had applied for the allotment of retail outlet offered by the respondent- Indian Oil Corporation Limited.

Shri Y.V. Giri, learned senior counsel for the appellant, states that during the pendency of the present appeal, the respondent- Indian Oil Corporation Limited has now offered allotment of the land to a third party who ought to be impleaded as a party respondent in the present appeal.

We notice that these are all subsequent events and



if the writ-petitioner/appellant is aggrieved thereof, it is always open for him to independently assail the same, in accordance with law, but we do not deem it necessary for him to do so in these proceedings, more so in a challenge to an order passed on the basis of admission made by the petitioner.

We also notice that no ground for interference is made out, more so in view of the law laid down by the Hon'ble Apex Court in **(2015) 9 SCC 1, Jogendrasinhji Vijaysinghji Vs. State of Gujarat and others.**

As such present appeal stands dismissed.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit/-

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