

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 557 of 2021

Nilu Sinha Wife of Deepak Kumar, Resident of Village - Saidi, P.O. - Badi,
P.S. Katrisarai, District - Nalanda.

... .. Petitioner/s

Versus

1. The Indian Oil Corporation Ltd. through its General Manager, Bihar State Office, Bihar, Patna.
2. The Senior Divisional, Retail Sales Manager, Indian Oil Corporation Ltd., Patna.
3. The District Magistrate, Nalanda.
4. The Circle Officer, Katrisarai, Nalanda.
5. Smt. Babita Kumari, Wife of Ravi Ranjan Sigh, Resident of Palatpur, P.S. Katrisarai, District - Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Dhananjay Kumar Tiwary, Advocate
For the Respondent/s : Mr Sanat Kumar Mishra, Advocate

CORAM: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH)

Date : 17-12-2021

This matter has been heard online through video conference because of COVID 19 Pandemic restrictions.

2 Heard learned counsel for the parties.

3 Briefly narrated, the facts of the case are that applications were invited for grant of dealership for Kisan Seva Kendra by the Indian Oil Corporation Limited (for brevity, *the Corporation*) for a location at within 5 kilometers from Mayapur – Mohabbatpur More towards Giriyaak on State Highway (for



brevity, *SH*) 71, District – Nalanda against which the petitioner and respondent No 5 had applied. Respondent No 5 was declared selected in the draw of lots. The petitioner, invoking grievance redressal mechanism under the brochure for selection of dealership, approached the competent officers of the Corporation, with an allegation that title of the land offered by respondent No 5 for the location was not valid. Further, the land did not have the requisite size as per the advertisement. The said complaint of the petitioner has been rejected by an order dated 12.06.2020 passed by the General Manager-in-charge of the Corporation which is under challenge in the present writ application. The advertisement has not been brought on record by the petitioner. However, what was the required size of the land, as per the advertisement, has been mentioned in the impugned order as 35 metersx35 meters, i e, (1225 square meters).

4 It appears from the impugned order that after the petitioner's complaint was received, an investigation was conducted into the petitioner's allegation. A joint measurement of the offered land by respondent No 5 was conducted in presence of Anchal Amin and the petitioner on 02.08.2019. The minutes of the meeting was drawn which was signed by all the persons present including the petitioner. The aforesaid facts have been mentioned



in the impugned order. The petitioner has admitted the factum of the joint measurement dated 02.08.2019 of the plot in question, in paragraph 6 of the writ application.

5 It is the petitioner's case that whereas respondent No 5 had offered 40 decimals of land for award of dealership in her favour, 9 decimals of land out of the said 40 decimals was already acquired by the State of Bihar for construction of a SH. It is next submitted that if the said 9 decimals of land is taken out from the offered land, the actual area of land offered by respondent No 5 will come to 31 decimals. It is, accordingly, submitted that selection of respondent No 5 for grant of dealership on the basis of land offered by her is invalid and the petitioner's complaint has been wrongly rejected by the impugned order dated 12.06.2020.

6 It has been argued on behalf of the respondent-Corporation, referring to the impugned order and reiterating that the requirement of land as per the advertisement, was 35 meters x 35 meters which comes to 1225 square meters equivalent to 30.270 decimal. He argues that it is incorrect on the part of the petitioner to contend that the requirement of area of land was 40 decimals. He has submitted that even for argument sake, if the petitioner's contention that 9 decimals out of 40 decimals of land said to have been offered by respondent No 5 has been acquired is



accepted; 31 decimals of land meets the Corporation's requirement for the grant of dealership.

7 It is to be noted that the petitioner is relying upon a report dated 08.02.2020 of Anchal Amin addressed to the Circle Officer, Katrisarai, Nalanda to the effect that 9 decimals of the land in question was acquired for construction of SH 71. There is no material, however, to suggest that the said report was ever brought to the notice of the Corporation before rejection of the petitioner's complaint by the impugned order dated 12.06.2020.

8 In any view of the matter, since it is evident from the impugned order that a joint measurement of the land was carried out in presence of the petitioner and the area of land offered by respondent No 5 has been found to meet the Corporation's requirement for award of dealership, no interference is required by this Court with the impugned order.

9 This application is, accordingly, dismissed, having no merit.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.12.2021
Transmission Date	NA

