

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2977 of 2021

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Kumar Rajesh Raushan, S/o Jibachh Yadav, R/o Village-Dhanusisarvsima,
P.O.-Lalmunia, P.S.-Lalmunia Munhara District-Madhubani.

... .. Petitioner/s

Versus

1. Bharat Petroleum Corporation Limited represented through Managing Director and Chairman, having its registered office at Bharat Bhavan, 4 and 6 Currimbhay Road, Ballard Estate, Mumbai-400001.
2. The Territory Manager (Retail), Bharat Petroleum Corporation Limited having its office at village-Sherpur, Near Anant Railway Station on N.H. 28, Post-Bela, P.S. Bela, District-Muzaffarpur.
3. The Assistant Manager Sales (Retail), Bharat Petroleum Corporation Limited having its office at villag-Sherpur, Near Anant Railway Station on N.H. 28, Post-Bela, P.S. Bela, District-Muzaffarpur.
4. The District Magistrate, Madhubani Madhubani, Bihar.
5. The Circle Officer Khutauna, Madhubani.
6. Arvind Kumar Gupta S/o Kapil Deo Shah R/o Village-'Dhanusisarvsima, P.O and P.S. Lalmunia Munhara, Distric-Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Neeraj Kumar Gupta, Advocate
For the B.P.C.L.	:	Mr. Siddhartha Prasad, Advocate
		Mr. Om Prakash Kumar, Advocate
For the State	:	Mr.Sajid Salim Khan, SC-25.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 14-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“(i). For issuance of appropriate Writ/Writs, direction/directions and order/orders in the nature of Mandamus to the respondent authorities to urgently cancel the arbitrary and illegal allotment of retail outlet dealership of petrol pump awarded in favour of Arvind Kumar Gupta (Respondent no. 6) for the location "Within 2 km from Ghormohana

Chowk towards Sarabsima on RHS on NH 227 (Old NH-104), under Open Category" advertised at Sr. no. 650 of the advertisement dated 25.11.2018, in view of the fact that the land offered by the selected candidate do not meet the eligibility criteria with respect to the dimension of 35 mtrs x 45 mtrs as advertised by the respondent Corporation and also in view of the fact that the selection of the Respondent no. 6 is in gross violation of the requirements and criteria laid down in the brochure / guidelines dated 24.11.2018 which has to be strictly followed by the Respondent Corporation for selection of a Retail Outlet Dealer.

(ii). For commanding the respondents to honestly and in a fair manner follow the provisions of Clause 14 (11) as enshrined in ***Brochure for Selection of Dealers*** which categorically states the parameters under which the land has to be evaluated by the Land Evaluation Committee.

(iii). For issuance of an appropriate writ setting aside the letter bearing Ref. No. COM/MZP/80 dated 11.06.2020 whereby and where under the representation / complaint sent vide Registered post/ Speed Post dated 22.04.2020 by the petitioner has not been entertained by the Respondent no.2 on the most frivolous ground i.e. the complaint has not been received within the stipulated time i.e. within 30 days of declaration of result and as such have wrongly considered the land offered by the respondent No.4 to be meeting the dimension in depth and thus, meeting the eligibility criteria as required in the advertisement.

(v). For any other relief / reliefs which the Hon'ble Court may grant in the interest of the petitioner that may be deemed appropriate and necessary in this case."

In our considered view, the present petition is premature, inasmuch as it is the petitioner's apprehension that the private respondent does not fulfill the eligibility criteria for allotment of the retail outlet.

Undisputedly, the private respondent has been declared successful in the draw of lots.

It is expected of the authorities to ensure that the

successful candidate fulfills the eligibility criteria, thereafter only the allotment can take place.

In this view of the matter, the petition being pre-matured, is disposed of reserving liberty to the petitioner to approach this Court as and when, the cause of action arises. It shall be open for the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

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