

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2185 of 2020

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Abhay Kumar Singh Son of Sri Shashi Bhushan Singh, Resident of 25KA
Ward no. 5, Sihauta Bazar, Maharajganj, P.O.- Ballipokhra, P.S.- Maharajganj,
District- Siwan.

... .. Petitioner/s

Versus

1. The Bharat Petroleum Corporation Limited through its General Manager, Bharat Bhawan, 4 and 6 Currimbhoy Road, Ballard Estate Post Box no 688 Mumbai- 400001.
2. The General Manager, Bharat Petroleum Corporation Limited Bharat Bhawan, 4 and 6 Currimbhoy Road, Ballard Estate Post Box no. 688 Mumbai- 400001.
3. The State Head, Bharat Petroleum Corporation Limited, Exhibition Road, Patna.
4. The Head of the Territory Office, Bharat Petroleum Corporation Limited, Muzaffarpur, POL Depot, Village- Sherpur, Near- Narayanpur Anant Railway Station, P.O.- MIC Bela, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Mishra, Advocate
For the Respondent/s : Mr.Sanjay Singh, Sr. Advocate
Mr. Rudrank Shivam Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-09-2022

Petitioner has prayed for the following relief(s):

“(i) For issuance of an appropriate writ in the



nature of Certiorari quashing the letter communicated to the petitioner through email dated 11.1.2020 on the subject of application for award of retail outlet dealership at within three km. Of Banpura village on Maharajganj – Ekma road on either side in the district of Siwan under open category pursuant to advertisement on 25.11.2018 and the candidature of the petitioner has been found ineligible as the offered land by the petitioner is in Saran district and not in the district of Siwan.

(iii) For issuance of an appropriate writ in the nature of Mandamus commanding the respondent authorities to issue Letter of Intent in favour of the petitioner in view of the facts mentioned herein below.

(iii) For direction upon the respondent authorities to grant no objection certificate from the office of the District Magistrate, Saran at Chapra.

(iv) And during the pendency of the writ petition ad interim order may be passed in the facts and circumstances of the case.

(v) Any other order or orders as your Lordships may deem fit and proper in the facts and circumstances of the case be granted to the petitioner.”

On 06.09.2022, we had passed the following order:

“Shri Rudrank Shivam Singh, learned counsel, who appears on behalf of the respondents, to obtain instructions as to whether



the petitioner's offer of an alternate site within district Siwan would be acceptable or not.

List on 20.09.2022.”

Today, Shri Sanjay Singh, learned Senior Counsel for the respondents, states that if the petitioner were to approach the competent authority, petitioners request, in terms of the order reproduced supra, shall be considered and decided.

Statement accepted and taken on record.

Shri Sanjeev Kumar Mishra, learned counsel for the petitioner, states that the petitioner shall approach the competent authority within a period of one week from today.

As such, petition stands disposed of on the following terms:-

- (a) Petitioner shall approach the competent authority within one week from today by filing a representation for redressal of the grievance(s);
- (b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;
- (c) The order assigning reasons shall be communicated to the petitioner;



- (d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;
- (e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;
- (f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;
- (g) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;
- (h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;
- (i) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.



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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	23.09.2022
Transmission Date	

