

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1500 of 2022

1. Jahida Khatoon, Wife of Sharfe Alam, Resident of Village - Bara Khursheda, P.O. - Karnaul, P.S. - Nilkant Sahebganj, District - Muzaffarpur.
2. Shagufa Naaz, Wife of Nasre Alam, Resident of Village - Bara Khursheda, P.O. - Karnaul, P.S.- Nilkant Sahebganj, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Civil Supplies, Patna.
2. The Secretary Department of Food and Civil Supplies.
3. The District Magistrate, Muzaffarpur, District - Muzaffarpur.
4. The Circle Officer, Sahebganj, District - Muzaffarpur.
5. Bharat Petroleum Corporation Ltd. having its registered office at Bharat Bhawan, 4 and 6, Currimbhoy Road, Ballard Estate, Mumbai - 400001 through its Chairman.
6. The Chairman Bharat Petroleum Corporation Ltd. having its registered office at Bharat Bhawan, 4 and 6, Currimbhoy Road, Ballard Estate, Mumbai - 400001.
7. The Director Marketing, Bharat Petroleum Corporation Ltd. having its registered office at Bharat Bhawan, 4 and 6, Currimbhoy Road, Ballard Estate, Mumbai - 400001.
8. The Territory Manager, Bharat Petroleum Corporation Ltd. Muzaffarpur Retail Territory, Muzaffarpur.
9. The Bharat Fueling Station, BPCL Retail Outlet/Petrol Pump at Ahiyapur, Sahebganj, P.S.- Sahebganj, District - Muzaffarpur, through its Proprietor Md. Fakre Alam.
10. Fakre Alam, Son of Naimuddin Ali, Resident of Village - Khurseda, P.O.- Ahiyapur, P.S.- Sahebganj, District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Brisketu Sharan Pandey, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad (AAG-5)
		Mr. Alok Ranjan, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-03-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s).

- “ i) For issuing writ/writs, order/orders including the writ of mandamus and thereby directing the Respondent No. 3 to cancel the retail selling license, NOC issued to Respondent No.10 for violation of condition of license and for running the Retail Outlet beyond the premises for which Letter of Intent (hereinafter referred to as LOI) dated 21.03.2013 (Annexure-P/1) was issued in favour of Respondent No.10.
- ii) For issuing appropriate writ including of certiorari and thereby quashing the letter of intent LOI dated 21.03.2013 issued by Respondent No.8 for running the Retail Outlet beyond the Plot No. i.e. 296/1396 (which was the Plot No. mentioned in the application by Respondent No.10 while applying for the dealership) in addition to running the Outlet beyond Plot No. 296/1396 as mentioned in the LOI dated 21.03.2013. The Respondent no. 10 has further violated the terms of LOI in as much as the afforded plot of land 296/1396 does not meet the required measurement of 35 meter x 35 meter as stated in LOI also the Respondent No. 10 has violated Clause 7 of the LOI by inducting his brother as partners to the Retail Outlet secretary without informing the Respondent Oil Corporation.
- iii) For issuing appropriate direction including direction of granting suitable compensation to the petitioners for running the Retail Outlet from their plot of land even without prior permission/knowledge on part the petitioners.
- iv) For holding that Respondent No. 3, 4, 7, 8 have acted in most illegal manner to have ignored the complaint and the legal notice sent on behalf of petitioners and have deliberately allowed Respondent No. 9, 10 to breach the condition of the Retail selling license, the NOC issued Respondent No.3 in as much as the Respondents No. 9, 10 have been allowed to run the Retail Outlet from the premises for which there was never an LOI issued by Respondents No.8 and for which there has never been any NOC or Retail Selling license issued by Respondent No.3.

For any other relief or reliefs for which the

petitioner is found entitled in the facts and circumstances of the case.”

Learned counsel for the petitioners seeks permission to withdraw this petition.

Permission is granted.

This petition is dismissed as withdrawn.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	