

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8808 of 2021

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Manoj Kumar Jha Son of Babu Narain Jha resident of village and P.O.-
Paghari, P.s.- Biraul Paghari, District- Darbhanga, at present residing at
village- Akbarpur bank, P.s.- Biraul, District- Darbhanga

... .. Petitioner/s

Versus

1. M/s Bharat Petroleum Corporation Ltd. through its Managing Director,
Bharat Bhawan, 4 and 6 Ballard State, Mumbai - 400001
2. The Zonal Manager, M/s Bharat Petroleum Corporation Ltd, through its
Managing Director, Bharat Bhawan, 4 and 6, Ballard State, Mumbai -
400001
3. The Area Sales Officer, M/s Bharat Petroleum Corporation Ltd, through its
Managing Director, Bharat Bhawan, 4 and 6, Ballard State, Mumbai -
400001
4. The Territory Manager (Retail) M/s Bharat Petroleum Corporation Ltd,
Muzaffarpur
5. The Assistant Manager (Retail) M/s Bharat Petroleum Corporation Ltd,
Muzaffarpur
6. The State of Bihar through Principal Secretary, Road Construction
Department, Government of Bihar, Patna
7. The District Magistrate, Darbhanga
8. The Sub Divisional Officer, Biraul, Darbhanga
9. The Executive Engineer, Road Construction Department, Road Division,
Banipur, District- Darbhanga
10. The Circle Officer, Gaura Bauram Block, District- Darbhanga
11. Sri Sanjib Kumar Singh son of Gajendra Narayan Singh Resident of
Vishnupur Paradha, District- Saharsa

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Karn
For the Respondent/s	:	Mr.Manoj Kr. Ambastha (Sc26)
For the BPCL	:	Mr. Siddhartha Prasad, Adv., Mr. Om Prakash Kumar, Adv.
For the State	:	Mr. Manoj Kumar Ambastha, SC-26

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 03-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“ 1. (I) For issuance of appropriate writ/order/direction in the nature of certiorari commanding the respondent to quash the selection of R.O. Petrol Pump for the location No. 675 (within 2 K.M.) from Bajrang Chowk, Saharsa on S.H.-17, District- Darbhanga in favour of Respondent no. 7 on the ground that the location mentioned in the Advertisement does not exist.

(ii) Further to quash the Advertisement dated 25.11.2018 published by M/s Bharat Petroleum Corporation Ltd., Muzaffarpur online for providing wrong location for awarding R.O. Petrol Pump.

(iii) For issuance of appropriate order/direction to which the petitioner is entitled too in the circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority

concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

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

(a) Petitioner shall approach the authority concerned i.e Respondent No. 4, namely the Territory Manager (Retail), M/s Bharat Petroleum Corporation Ltd., Muzaffarpur within a period of four weeks 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) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) 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;

(f) Liberty reserved to the petitioner to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits. All issues are left open;

(h) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Sanjeev Prakash Sharma, J)

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