

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4097 of 2022

Rajiv Ranjan Rai Son of Late Satendra Rai Resident of Village - Maruan,
Police Station - Dinara, District- Rohtas (Sasaram).

... .. Petitioner/s

Versus

1. The Union of India Through Secretary, Ministry of Petroleum and Natural Gas, New Delhi.
2. Chairman and Managing Director, Bharat Petroleum Corporation Limited, Bharat Bhawan 4 and 6 Currimbhoy Road, Balard Estate, Mumbai - 400001.
3. The Territory Manager, Bharat Petroleum Corporation Limited, At Pakari, Via Anisabad, Patna - 800002.
4. The Assistant General Manager (A.G.M.), Bharat Corporation Limited at Pakari, Via - Anisabad, Patna - 800002.
5. Dhiraj Kumar Son of Nirmal Sah Resident of Village - Jamarodh, P.O. Dinara, P.S. - Dinara, District- Rohtas (Sasaram).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar, Advocates Mrs. Bindu Kumari, Advocate Mr. Shailendra Kumar Singh, Advocate
For the Respondent/s	:	Dr. K.N. Singh, ASG Mr. Sanjay Singh, Advocates Mr. Anshuman Singh, CGC

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

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 13-05-2022

Heard learned counsel for the parties.

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



- (i) For quashing of letter Ref.No.PT/CWJC-7215/2020, dated 15.01.2022 issued by the respondent no.03, in response to representation sent by petitioner with Registered Post in the light of order passed by the Hon'ble High Court in C.W.J.C. No. 7215/2020 order dated 30.11.2021 in which Respondent Corporation has completely ignored prayer of the petitioner for measurement of distance of allotted Retail Out Let as well as violated terms and conditions given in application. And had disposed representation of petitioner being relied upon old documents, which were already challenged in C.W.J.C.No.7215 of 2020.
- (ii) For quashing of letter no.758, dated 19.11.2020 of Circle Officer, Dinara in which there is no clear averment as to from which point the Circle Officer has stated that the location of land is situated within 2.6k.m.
- (iii) For direction on the respondent no.03 (BPCL) Corporation to measure the distance of allotted location No.149 from Zero Mile Dinara, (near Hindustan Petroleum (HP) Dinara) or the initial point of the Dinara-Dhasoin Road in Dinara, in presence of petitioner, Private Respondent and Representative of Corporation and as per condition mentioned in the application if it is found beyond 3 K.M.; Allotment of Private respondent be cancelled in light of Clause - 15 of Application Format and invite the petitioner as next interested applicant as per provision of Clause - 17 of Brochure.
- (iv) For quashing of allotment letter issued in favour of Respondent NO.5 issued by the Respondent No.03, vide letter no. Nil, dated 03.09.2019 as it has been issued without factual verification of distance of allotted site from the Zero Mile Dinara.



- (v) For holding and declaring that allotment of Petrol Station to the Private Respondent for Retail Out Let dealership Group-1, Location No.-149 is not in accordance with law and need to be interfered with as distance of the allotted location is at 4.2 Kilometers instead of within 3 Kilometers from Zero Mile, Dinara which is evident from a letter of Road Construction Department, Bihar vide letter no. 679 dated 20.05.2020 under which range the Dinara-Dhansoin Road comes.
- (vi) For any other relief/reliefs to which petitioner is found entitled in the facts and circumstances of the case.

At some stage, all litigation must come to an end, more so when public interest warrants it to be so.

We notice that advertisement for setting up of a retail outlet dealership was issued in the year 2018 and only for the reason that the issue stands embroiled in litigation before different foras, the public have been deprived of the benefits of the retail outlet.

We notice that the petitioner had earlier approached this Court and the petition was disposed of with direction to file representation, which now stands considered and disposed of vide impugned order dated 15th of January, 2022 (Annexure-8, Page No. 44).

The only issue is as to whether the site offered



by the private respondent falls within the distance of 3 K.M. from Dinara to Dhansoin, a condition stipulated in the advertisement. The authorities, after having the record verified from the Revenue Authorities, found the distance to be 2.6 K.Ms.

We do not find any reason to disagree with the conclusion arrived at by the competent authority, more so when it is a question of fact.

As such, the present petition, devoid of merit, is dismissed.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	16.05.2022
Transmission Date	

