

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5052 of 2022

Vishwanath Baitha S/o Chandeshwar Baitha Resident of Village Usarhia, Po Sankhi PS Riga District Sitamarhi, Proprietor, M/s Hamara pump Parihar, HP Petrol Pump at Sahargama PS and PO Parihar, District- Sitamarhi.

... .. Petitioner/s

Versus

1. M/s Hindustan Petroleum Corporation Ltd. Through its Chairman and Managing Director, having its registered office at 17, JamshedJee Tata Road, Mumbai - 400020.
2. The Zonal Manager, Hindustan Petroleum Corporation Ltd., Lucknow.
3. The Deputy General Manager (Retail), Hindustan Petroleum Corporation Ltd., Begusarai Retail Regional office, 2nd Floor, Raghunath Place, Har Har Mahadeo Chowk, NH -31, Begusarai - 851101 (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanat Kumar Mishra, Advocate
For the Respondent/s : Mr.Rabindra Nath Kanth, Advocate

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

(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.)

2 13-05-2022 Petitioner has prayed for the following relief(s):

“(I) for setting aside the Order dated 17/01/2022 passed by the respondent no. 3 the Deputy General Manager (Retail) Begusarai Retail Regional Office whereunder and whereby the Dealership Agreement dated 30/09/2018 entered into by the Petitioner and the Respondents for



establishing and running the Retail Outlet has been terminated and the petitioner have been directed to remove all the goods, property and effects belonging to the dealer(petitioner) within three days and hand over to the Corporation vacant and peaceful possession of the Corporation's property with all the facilities provided by the Corporation thereat and restraining the petitioner from entering into the premises of the Retail Outlet mentioning that after three days the Corporation may remove the belongings /properties of the Dealer/petitioner at the risk of the petitioner and further directed that the petitioner would be liable for payment of damages as determined by the Corporation for not vacating the premises /occupation of the premises and that the Corporation would take possession under the Public Premises (Eviction or Unauthorised Occupants Act 1971(II) for setting aside all illegal orders passed in consequence to the order dated 17/01/2022 whereunder the whereby the respondents have taken possession of the Retail Outlet and handed over the same to another dealer/person to run the RO in complete denial, defiance and disrespect to the Appeal filed by the petitioner against the order of Termination dated 17/01/2022 under the Provision of Appeal as enshrined in the Marketing Discipline Guideline 2012, (2)



Alternatively for issuance of writ of Mandamus for directing and commanding the respondent authorities to hear and dispose of the MDG Appeal filed before the authorities and reinstate the petitioner as dealer of the RO and (3) for any other writ(s)/direction(s)/Order(s) as your Lordships may deem fit in the facts and circumstances stated hereinafter.”

Learned counsel for the respondent states that the petitioner has preferred an appeal which is yet pending.

If that were so, learned counsel for the petitioner prays that the petition be disposed of with a direction to the appellate authority for expeditious disposal of the appeal preferred by the petitioner.

Ordered accordingly.

We direct the petitioner to appear before the appellate authority in his office on 30:05 at 10:30 a.m. and place on record additional record in support of the appeal and the appellate authority shall positively decide the appeal within a period of four weeks thereafter.

Needless to add, order assigning reasons shall be supplied to the petitioner granting opportunity to the petitioner to assail the same, should the need so arise.



Petitioner shall place on record the copy of the
order.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

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