

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5296 of 2022

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Birendra Kumar Jain, Son of Late Phulchand Jain Proprietor of M/s Gaya Kerosene Bhandar, SKO Agency of IOCL, situated at Station Road Gaya, resident of JR Residency, Near Axis Bank, North Church Road, Gandhi Maidan, P.S. Civil Lines, District- Gaya.

... .. Petitioner/s

Versus

1. The Union of India through Divisional Railway Manager, East Central Railway, Deen Dayal Upadhyaya (Mughalsarai).
2. The Estate Officer, East Central Railway, Deen Dayal Upadhyaya (Mughalsarai).
3. The Sr. Divisional Engineer - II, East Central Railway, Deen Dayal Upadhyaya (Mughalsarai).
4. The Indian Oil Corporation Limited, Represented through Managing Director and Chairman, having its registered office at G-9, Ali Yavar Jung Marg, Bandra, (East) Mumbai - 400051.
5. The Chief Divisional Manager, India Oil Corporation Limited (MD), patna Divisional Office, 3-A, Maurya Lok Complex, Dak Bungalow Road, Patna - 800001.
6. The Chief Divisional Retail Sales Manager (CDRSM), Indian Oil Corporation Limited, Block - A, Maurya Lok Complex, (3rd Floor), Dakbanglow Road, Patna - 800001.
7. The District Magistrate, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Neeraj Kumar Gupta, Advocate
For the UOI	:	Dr. K.N.Singh, A.S.G. Mr.Anshuman Singh, C.G.C.
For the State	:	Mr. Arvind Ujjwal, SC 4
For the I.O.C.	:	Mr. Sanat Kumar Mishra, Advocate Mr. Ankit Katriar, Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA**

**ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 19-05-2022

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

“i. For issuance of an appropriate Writ/Writs, order/orders, direction/directions in the nature of certiorari for quashing the notice under Section 4(I) of the Public Premises (Eviction of Unauthorised Occupant Act, 1971) issued under the seal and signature of Respondent No. 2 (hereinafter referred to as Estate Officer, EC Railway, Mughalsarai) whereby and whereunder vide notice dated 07.01.2022 referring to the Case no. E/867/2022 addressed to the Chief Divisional Manager, IOCL (Respondent No. 5) and pasted on the gate of the business premises/SKO Agency of the petitioner with a direction to evict a part and parcel of Railway Land admeasuring an area 3055.49 sq. ft. at Gaya alleged to be unaurhorizedly occupied by the Respondent Corporation on which the petitioner is running the SKO Agency by the name and style of M/s Gaya Kerosene Bhandar.

ii. For issuance of an appropriate Writ/Writs, order/orders, direction/directions in the nature of certiorari for quashing the Letter bearing No. W/G/858/GYA(A) dated 10.03.2022 issued under the sign and signature of Sr. Divisional Engineer-II, East Central Railway, Deen Dayal Upadhyaya



(Respondent No. 3) whereby and whereudner in pursuant to the letter No. PDO/SRO/Gaya Kero Agency dated 04.03.2022 replied by Respondent No. 6, the Respondent No. 3 has illegally, arbitrarily and without jurisdiction has directed to vacate the land on or before 31.03.2022 wherein the SKO Agency of the petitioner is presently running and operating.

Iii. For commanding and directing the respondent authorities of the Railways to allow the Petitioner to run and operate the SKO Agency from the said land taking into the consideration that Kerosene Oil is an essential commodity and is being distributed to common people under Public Distribution System, Government of India and also taking into account that the said SKO Agency which has been operating on the said land for such a long period, cannot be shifted at any other place in such a short span of time.

iv. For commanding and directing upon the respondents to maintain status quo till the final adjudication of the instant writ application.

v. For any other relief/reliefs which the Hon'ble Court may grant in the interest of the public that may be deemed appropriate and necessary in this case."

Petitioner through learned counsel states that petitioner shall hand over the vacant and peaceful possession of the property/depot, subject matter of the present petition to the respondent No. 1 namely The Union of India through Divisional Railway Manager, East Central Railway, Deen Dayal



Upadhyaya (Mughalsarai); Respondent No. 2 namely, The Estate Officer, East Central Railway, Deen Dayal Upadhyaya (Mughalsarai) and/or respondent No. 3, namely, The Sr. Divisional Engineer- II, East Central Railway, Deen Dayal Upadhyaya (Mughalsarai) positively within a period of three months from today, regardless, as to whether he is able to obtain necessary permissions and sanctions from the competent authority, including Respondent Nos. 4, 5 and 6.

Statement accepted and taken on record.

Also, petitioner through learned counsel has been made aware of the consequences of breach of undertaking, for we would not hesitate to initiate proceedings for contempt against the petitioner.

At this stage, learned counsel for the petitioner states that perhaps, direction can be issued to Respondent Nos. 4, 5 and 6 for shifting necessary approval.

Shri Ankit Katriar, learned counsel appearing on behalf of the Respondent-Indian Oil Corporation and Shri Arvind Ujjwal, learned S.C.-4 for the State, state that subject to the petitioner complying with all formalities and fully co-operating, the respondent authorities shall take appropriate decision strictly in accordance with law.

Petition stands disposed of in the aforesaid



terms.

Interlocutory application, if any, shall also stand
disposed of.

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	27.05.2022
Transmission Date	

