

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9595 of 2021

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Shashi Ranjan Kumar Son of Vidyanand Singh, resident of Village and P.O. -
Krishna Nagar, Kishunkara, P.S. - Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

1. The Union of India through its Secretary, Ministry of Petroleum and Natural Gas, New Delhi.
2. The Indian Oil Corporation through its Chairman at Mumbai.
3. The State Head Bihar State Office, Lok Nayak Jai Prakash Bhawan, 5th Floor, Dak Bunlow Road, Patna.
4. The Head of Divisional Office, Muzaffarpur Divisional Office, Krishna Complex, Abharaghat Road, Muzaffarpur.
5. Vijay Mohan Singh, Son of not known through the Head Divisional Office, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rudrank Shivam, Adv
For the Respondent/s	:	Dr. K. N. Singh (ASG)
		Mr. Sanat Kumar Mishra, Adv

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

8 26-04-2022 The petitioner is seeking quashing of an e-mail communication dated 25.11.2020 issued by the Head of the Divisional Office, Muzaffarpur of the Indian Oil Corporation ('the Corporation' for short) whereby he has been informed that the Land Evaluation Committee ('LAC' for short) of the Corporation, which had visited the site offered by the petitioner for award of retail outlet dealership, has not found the offered



land meeting the required dimension.

Admittedly, for appointment of retail outlet dealership at various locations, including the location at “within 2.5 KM from Krishna Chowk on NH 104 towards Seohar” in the District of East Champaran under the open category was published by the Indian Oil Corporation on 25.11.2018. Pursuant to the said notice dated 25.11.2018, the petitioner had applied.

It is not in dispute that for the dealership in question the prescribed minimum dimension of the offered land was 35 meters frontage (abutting the road) with a depth of 45 meters. It is not in dispute that the land evaluation for the purpose of grant of dealership was done by the LAC on 24.02.2020 in the petitioner’s presence. The LAC found the petitioner’s offered land deficient in terms of land dimension in as much as frontage was found to be 34 meters as against the requirement of 35 meters. A report based on the land evaluation was prepared by the LAC.

In the counter-affidavit filed on behalf of the Indian Oil Corporation, the said report of the LAC has been brought on record by way of Annexure (R/2-2) which bears the petitioner’s signature also.

The assertions made in the counter-affidavit have not been denied by the petitioner by filing any rejoinder.



In paragraph 6 of the writ petition, it has been stated that at the time of inspection, the inspection team did not measure the land scientifically and the petitioner was told in categorical terms by the said team that the offered land and the documents so produced were all in order and he was asked to put his signature on document in nature of an inspection form which had not been filled up by the team and it was further told to him that they would fill it at their office in Muzaffarpur.

The said statement in paragraph 6 of the writ petition has been specifically denied as false in paragraph 22 of the counter-affidavit filed on behalf of the Indian Oil Corporation.

In our view, since there is categorical stand taken on behalf of the respondent-Corporation that the petitioner's offered land was found to be deficient in dimension in as much as the frontage was found to be less than the required length, no relief can be granted to the petitioner as sought in the writ petition. In our opinion, this writ application has no merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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