

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6440 of 2022

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Ganesh Ray S/o Haribhajan Ray R/o House No. 46, Pakri Dayal, Madhuban,
Dhanauji, East Champaran, Bihar- 845428.

... .. Petitioner/s

Versus

1. The Chairman, Indian Oil Corporation Ltd. 3079/03 J.B. Tito Marg, Sadique Nagar, New Delhi- 110048.
2. The Executive Director, Indian Oil Corporation Limited (Marketing Division), Eastern Region Office, Regional Contract Cell, Indian Oil Bhavan, 2 Gariahat Road (South), Dhakuria, Kolkata - 700068.
3. The Executive Director (LPG), Indian Oil Corporation Ltd. Bihar State Office- 5th Floor, Loknayak Jaiprakash Narayan Bhawan, Dakbunglow Road, Patna - 800001.
4. The General Manager (LPG), Bihar State Office, Indian Oil Corporation Ltd., Lok Nayak Jai Prakash Bhawan, 5th Floor, Dak Bungalow Chowk, Frazer Road, Patna - 800001.
5. The State of Bihar through its Principle Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
6. The Circle Officer, Mauza-Bariyarpur, Anchal- Motihari, District- East Champaran, Bihar.
7. M/s Shiv Sai Indane through its Proprietor Shiv Shankar Singh, R/o Post - Bariyarpur, Motihari, District- East Champaran, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeev Ranjan, Advocate
		Mr. Aryan Sinha, Advocate
For the Respondent/s	:	Mr.Rishi Raj Sinha (SC 19)
		Mr. Ankit Katriyar, Advocate

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

Date : 20-06-2022

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

(A) writ in the nature of Certiorari or any other



appropriate writ/s, order/s direction/s quashing the following:

(i) To quash the order dated 22.12.2021 issued under the signature of Respondent No. 4 whereby, the Respondent No. 4 without considering the documents submitted by the Petitioner has disposed of Complaint dated 06.12.2021 of the Petitioner by a non-speaking and unreasoned order.

(ii) To quash the Letter of Intent issued vide Letter dated 31.07.2014 in favour of Respondent No. 7 by way of which LPG Distributorship was allotted.

(B) A writ in the nature of mandamus or any other appropriate writ/s, order/s direction/s for the following reliefs:

(i) To declare the allotment of LPG Distributor to Respondent No. 7 i.e., M/s Shiv Sai Indane situated at Bariarpur, Motihari, District- East Champaran as illegal, since the same has been obtained by submitting false, fabricated and planted documents.

(ii) To direct the Respondents Authorities to terminate the Distributorship of the Respondent No. 7 as the same is against the Clause 22 of the Guidelines issued by the Respondent Authorities.

(iii) To direct the Respondents Authorities to bring on record all the documents submitted by the Respondent No. 7 for getting LPG Distributorship.

(iv) To direct the Respondents Authorities not to renew the LPG Distributorship, if any application is made on behalf of the Respondent No. 7



till the pendency of this Writ Petition.

(C) To any other relief/s to which the petitioner is found entitled.”

Relying upon the decision rendered by a co-ordinate Bench of this Court in the case of Indian Oil Corporation Limited Vs. Rupesh Kumar Verma, reported in 2019 (3) P.L.J.R. 1042, Shri Sanjeev Ranjan, learned counsel for the petitioner, assails the order of allotment of L.P.G. Dealership in favour of private respondent No.7, namely M/s. Shiv Sai Indane through its Proprietor Shiv Shankar Singh.

We notice that the said allotment took place in 2014, since when the L.P.G. Dealership is in operation and the retail outlet fully functional. Petitioner had not even participated in the selection process. Petitioner ought to have raised all the issues with regard to the respondent's ineligibility at an appropriate time. We notice that on record there is no grievance made by any person with regard to the functioning of the said retail outlet. The present petition was filed only on 12th of April, 2022. No decision availing appropriate remedies in accordance with law and/or with promptitude approaching the Court challenging the legality of the allotment made in favour of respondent No. 7 was ever done.

Apart from delay and laches, also petitioner has not



made out a case of public injury and inconvenience; malicious act and conduct of any one of the functionaries; or miscarriage of justice.

As such, on the ground of delay and laches, we dismiss the present petition.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	25.06.2022
Transmission Date	

