

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7246 of 2020

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Arun Kumar Singh, Son of Sakaldeo Prasad Singh, Resident of Ward No. 06,
Narepur West, Bachhwara, P.S. Bachhwara, Begusarai-851111, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Begusarai, Bihar.
3. The Circle Officer, Bachhwara, Begusarai.
4. The Chief General Manager (Retail Sales), Indian Oil Corporation, Bihar.
5. The Chief Divisional Retail Sales Manager, Indian Oil Corporation,
Divisional Office, Barauni, Begusarai.
6. The Chief Manager (FM), Bihar State Office, Indian Oil Corporation.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Mrigank Mauli, Adv Mr. Sanket, Adv
For the Respondent/s	:	Mr.Lalit Kishore (AG) Mr. Vivek Prasad, Adv Mr. Sanat Kumar Mishra, Adv Mr. Anil Kumar Jha, Sr. Adv

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

Date : 14-09-2022

Heard learned counsel for the parties.

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

“1(a) To issue an appropriate writ(s), order(s), direction(s) in the nature of writ of certiorari quashing letter Ref BSO/RS/BDO/KSK/280 dated 14.08.2020 (annexure-P/18) whereby the General Manager I/C (RS), IOCL mechanically upholding the cancellation order dt. 10.06.2020 passed by the Ch. Divisional Retail Sales Manager, Begusarai Divisional Office whereby and whereunder selection of the petitioner for KSK dealership at within 1 Km from Jhamtia Dhall towards Bachawara Railway Station, District Begusarai, Bihar, has been cancelled without any notice and enquiry (annexure-P/10).

(i) For issuance of writ/writs, order/orders, direction/directions in the nature of certiorari quashing the letter bearing Ref No. BDO/KSK/Jhamtiya (280) dated 10.06.2020 (annexure-P/10), whereby and whereunder selection of the petitioner for KSK dealership at 'within 1 Km from Jhamtia Dhalla Towards Bachhwara Railway Station, District Begusarai, Bihar has been cancelled without any notice and enquiry.

(ii) For issuance of writ/writs, order/orders, direction/directions in the nature of Certiorari quashing the letter bearing Ref. No. BDO/KSK/Jhamtiya (280) dated 10.06.2020 (Annexure-P/10), whereby and where under selection of the Petitioner for KSK dealership at 'Withing 1 KM from Jhamtia Dhalla Towards Bachhwara Railway Station, Dist. Begusarai, Bihar' has been cancelled on the sole ground that proposed KSL location of Mauza- Rani, Thana No. 43, Khata No. 1760, Plot No. 456 has been found to be 'Gair Mazarua' land, whereas the land of the Petitioner is 'Gair Mazarua Khas'.

(iii) For issuance of writ/writs, order/orders, direction/directions in the nature of Mandamus directing the competent Respondent authorities to grant the dealership for KSK at 'Withing 1 KM from Jhamtia Dhalla Towards Bachhwara Railway Station, Dist. Begusarai, Bihar' in favour of the Petitioner to grant dealership in terms of letter dated 24.06.2019 (Annexure-P/6)."

It is rather unfortunate that on account of *inter se* litigation between the petitioner and the respondent-Indian Oil Corporation Ltd, the public has been allowed to suffer endlessly, since the year 2014 onwards.

The respondent-Indian Oil Corporation Ltd., issued an advertisement inviting application for award of Rural Retail Outlet Dealership under open category to be established within 1 Km from a spot commonly termed as "Jhamtiya Dhalla towards Bachwara Railway Station District-Begusarai".

In the application, it is not disputed that petitioner expressed interest by submitting an application as also furnishing particulars of the land intending to set up the Rural Retail Outlet. As per the information, such Rural Retail Outlet was to be set up over land comprising Khata No.1760 Plot No. 456 of Mauza-Rani Thana no. 43. It is matter of record that the petitioner did obtain certain documents indicating his possession over the said land. However, with the passage of time when the respondent-Indian Oil Corporation Ltd., had the site inspected pursuant to communication dated 11.04.2019 (Annexure-P/2 Page 32), it was found out that the aforesaid land offered by the petitioner was not a *raiya* land and was in fact a *Gair Mazarua Khas Land (State Land)*. There are several documents on record indicating that in the Cadestral Survey the land still continues to be recorded as *(Gair Mazarua Khas Land (State Land))*, hence petitioner, even if, the Collector has issued the possession certificate, he cannot be termed to be owner thereof. Mere, entry of the petitioner's name in the record of mutation would not confer any title.

In this view of the matter, the respondent, in our considered view rightly rejected the petitioner's application vide order dated 10.06.2020 (Annexure-P/10 Page-41).

Apart from the record of entry of mutation, petitioner has placed no material indicating his ownership right or title over the land in question.

In this view of the matter, we dismiss the writ petition.

Further directions are issued to the respondent-Indian Oil Corporation Ltd., to immediately proceed further for setting up of Rural Retail Outlet at the site in question in accordance with law.

Needful be positively done within next two months.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA