

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7649 of 2022

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Sunil Kumar Son of Sri Nagina Prasad Chaudhary, Resident of Village
Atkoni, P.S. Hiramma, District - Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate - Cum - Collector,
Sheohar.
2. The Bharat Petroleum Corporation Ltd., having its Registered Office at
Bharat Bhawan, 4 and 6, Currimbhoy Road, Ballard Estate, P.B. No. 688,
Mumbai - 400001 through its Chairman - Cum - Managing Director.
3. The Chairman - Cum - Managing Director, Bharat Petroleum Corporation
Ltd., having its Registered Office at Bharat Bhawan, 4 and 6, Currimbhoy
Road, Ballard Estate, P.B. No. 688, Mumbai - 400001.
4. The Regional Manager (Marketing), Bharat Petroleum Corporation Ltd.,
Ashiyana Chamber, Exhibition Road, Patna.
5. The State Head, Bharat Petroleum Corporation Ltd., Ashiyana Chamber,
Exhibition Road, Patna.
6. The Territory Manager (Retail), Bharat Petroleum Corporation Ltd., Near
Narayanpur Railway Station, NH-28, SIC Bela, Muzaffarpur.
7. The Sub-Divisional Officer, Sheohar.
8. The Deputy Collector, Land Reforms, Sheohar.
9. The Circle Officer, Tariyani, District - Sheohar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Mohit Agarwal, Advocate Mr. Lokesh Kumar, Advocate Ms. Sushmita Mishra, Advocate
For the Respondent/s	:	Mr.Rishi Raj Sinha (SC19)

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

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

- i) For quashing the letter dated 25.02.2022 issued under the signature of the Respondent Territory Manager (Retail), Muzaffarpur whereby the petitioner was informed that the Respondent District Magistrate, Sheohar vide its letter No. 13 dated 12.01.2022 has refused to grant NOC under Rule 144 of the Petroleum Rules, 2002 for being passed without according any opportunity of hearing to the petitioner and for being in violation of Rule 149 of the Petroleum Rules, 2002 and even without providing the copy of Letter dated 12.01.2022 issued by the Respondent District Magistrate, Sheohar;
- ii) For a declaration that the Respondent District Magistrate, Sheohar has issued the letter No. 13 dated 12.01.2022 to the Respondent BPCL without giving a copy to the petitioner and also without according an opportunity of hearing to the petitioner which is in violation of Rule 149 of the Petroleum Rules, 2002;

- iii) For a declaration that the basis of the impugned letter dated 22.02.2022 has been passed/issued by the Respondent District Magistrate, Sheohar in violation of sub-rule (5) of Rule 144 of the Petroleum Rules, 2002 as no notice of inquiry was made to the petitioner in terms of the said rule;
- iv) For a direction upon the Respondent District Magistrate, Sheohar to get the land, offered by the petitioner, re-measured by an independent agency as he has completely ignored the measurements reported prepared by its own sub-ordinate officers and has arbitrarily and in violation of the provisions of the Petroleum Rules, 2002 refused to grant NOC on the petitioner's land; and/or for any other relief(s) for which the Petitioner may be found entitled to in the facts and circumstances of the present case.

It is not in dispute that prior to issuing communication dated 12th of January, 2022, that of the District Magistrate, Sheohar informing Bharat Petroleum Corporation Ltd. of non-issuance of the NOC in favour of the petitioner, be it for whatever reason, no opportunity of hearing was afforded, as

is so mandated under the Rule 149 of the Petroleum Rules, 2002.

In this view of the matter, the impugned action of the District Magistrate, Sheohar is quashed and set aside with a direction to the said authority to afford opportunity of hearing as mandated under law and thereafter only pass an appropriate order granting or refusing NOC.

We have not expressed any opinion on merits though learned counsel for the petitioner invites our attention to communication dated 13.11.2020 (Annexure 10 page 53) indicating the petitioner to have requisite land in accordance with law.

Well, this question is left open to be decided by the authorities.

In these circumstances, petitioner shall make himself available in the office of the District Magistrate, Sheohar on 12.08.2022 at 10:30 A.M., who shall ensure passing of an appropriate order in accordance with law within a period of three weeks thereafter.

We are passing such an order considering the fact that advertisement for allocation of the retail outlet was issued on 25th November, 2018 and yet the process has not

been completed.

Learned counsel for the respondents undertakes to communicate the order through electronic mode.

Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/- Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.07.2022
Transmission Date	NA