

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8349 of 2022

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Rajesh Kumar Prasad S/o Jagdish Prasad Resident of Village- Basahiya,
Sonbarsa, P.S.- Panapur, District- Saran, Bihar, Pin- 841410.

... .. Petitioner/s

Versus

1. The Indian Oil Corporation Limited A Government of India Enterprise,
Registered office at G-9, Ali Yavar Jung Marg, Bandra (East) Mumbai- Pin-
400051, Through its Chairman-cum-Managing Director.
2. The Managing Director The Indian Oil Corporation Limited, A Government
of India Enterprise, Registered office at G-9, Ali Yavar Jung Marg, Bandra
(East) Mumbai- Pin- 400051.
3. The Deputy General Manager, (LPG-S) Indian Oil Corporation, Idane Area
Office, at 1st Floor, Sahi Bhawan, Exhibition Road Patna, Bihar, PIN-
800001.
4. Sri Vikas Anand, Sales Officer (LPG-Sales) Indian Oil Corporation Limited,
Patna Area Office, Sahi Bhawan, Exhibition Road Patna, Bihar, PIN-
800001.
5. The Field Verification Committee through Sri Vikas Anand, Sales Officer,
(LPG-Sales) Indian Oil Corporation Limited, Patna Area Office, Sahi
Bhawan, Exhibition Road Patna, Bihar, PIN- 800001.
6. Dharmendra Kumar Yadav Son of Chheku Ray Resident of Village- Semri,
P.O.- Belour, P.S.- Panapur, Distt.- Saran, PIN- 841410.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms.Kumari Rashmi, Advocate
Mr. Aditya Raj, Advocate
Mr. Suresh Pd. Singh No. 1, Advocate

For the Respondent/s : Mr.Ankit Katriar, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)



Date : 28-07-2022

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

- i. For quashing the order contained in the letter no. PAT/FVC/BASAHYA dated 18/08/2020 issued by the respondent No.3, whereby he has rejected candidature of the petitioner and forfeited Rs.30,000/- Security amount, applied for LPG outlet under OBC category pursuant to the advertisement dated 17-18.06.2017(Annexure-1) for Village Distributor (Gramin Vitrak) of LPG outlet, referring to a so called collusive report of CO, Panapur vide letter no.669 dated 2.12.2019 and letter No.210 dt. 19.03.2020, without its service on the petitioner, overlooking that it was the same CO, who had initially issued report in favour of the petitioner dated 7.8.2018, and has also issued the Land possession certificate, rent receipt and no-objection certificate e.t.c. stating therein that the land pertaining to Thana no.55, Tauji No.2253 & 2254 (Un-surveyed land) under Mauza Basahiya, to be recorded in the name of Jagdish Sah (Father of the petitioner) and his brother Nageshwar Sah, as such there was no reason to accept his such collusive report as sacrosanct, without verifying its genuineness and passing this impugned order appears not be justified, that too without serving such report to the petitioner, hence the impugned order may not quashed as being passed without compliance of principles natural justice.



- ii. Further for declaring the order dated 18.08.2020 to be illegal, arbitrary and not sustainable in law, as before issuing the impugned order, the respondent must have served it on the petitioner for its ascertainment, so that he could also verify its factum and reasons from the said CO, Panapur, as to what was the reason for giving alleged adverse report contrary to his earlier report, hence legally the impugned order cannot be said justified from any corner of law.
- iii. For declaring the impugned order/ reference to be result of bias, issued under vested interest in connivance with private respondent.
- iv. For directing the respondents to consider the genuine claim of the petitioner and allot the license for the LPG outlet, after making physical verification as the land as offered for the site is still under peaceful possession of the petitioner by way of inheritance and further the respondents may be restrained to issue LOI in favour of anyone else till disposal of this application.
- v. For granting any relief /s of which the petitioner may be entitled for.

After the matter was heard for some time,
finding the Court not in favour of the submissions made by the



learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that the petitioner shall be content if the petitioner is permitted to withdraw the present petition, with liberty to initiate appropriate proceedings before the appropriate forum and to take recourse to such other alternate remedies which are equally efficacious in law.

Prayer allowed.

The petition is disposed of as withdrawn with the liberty aforesaid.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	30.07.2022
Transmission Date	

