

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13150 of 2021

=====

Musafir Rajak Son of Khedan Rajak, Fatehapur, Barka Ganw, P.S. Mirganj,
District - Gopalganj, Pin - 841436.

... .. Petitioner/s

Versus

1. Bharat Petroleum Corporation Limited through its Chairman and Managing Director, Bharat Bhavan, 4 and Currimbhoy Road, Ballard Estate, Mumbai 400001.
2. Chairman and Managing Director, Bharat Petroleum Corporation Limited, Bharat Bhavan, 4 and 6 Currimbhoy Road, Ballard Estate, Mumbai 400001.
3. General Manager, Bharat Petroleum Corporation Limited, Bharat Bhavan, 4 and 6 Currimbhoy Road, Ballard Estate, Mumbai 400001.
4. Chief Manager, Territory office, Bharat Petroleum Corporation Limited, T M Retail, Muzaffarpur POL Depot, Village - Sherpur, NH 28, Near Narayanpur Anant Railway Station, P.O. MIC Bela, District - Muzaffarpur 842005.
5. Head, Territory Office, Bharat Petroleum Corporation Limited, T M Retail, Muzaffarpur POL Depot, Village - Sherpur, NH 28, Near Narayanpur Anant Railway Station, P.O. MIC Bela, District - Muzaffarpur 842005.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Raushan, Advocate
For the Respondent/s : Mr.Sanjay Singh, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

2 12-01-2022 Petitioner has prayed for the following relief(s):

“(i) Issuance of a direction, order or writ, including writ in the nature of certiorari quashing the email communication dated 08/07/2021 issued from the territory office of Bharat Petroleum Corporation Limited, Muzaffarpur (hereinafter referred to as "BPCL") by which the application for award of Retail



Outlet dealership of the petitioner was rejected on the ground of variance in the land documents and further that the petitioner is already having a LPG gas agency under CFS scheme which is not the case and the Retail Outlet dealership was rejected without ascertaining the documents;

(ii) Issuance of a direction, order or writ, including writ in the nature of mandamus commanding the concerned respondent authorities under the BPCL to grant Retail Outlet dealership to the petitioner since he is fulfilling all the requisites criteria for the same and to issue a letter of intent for Retail Outlet dealership at Marchiya Chowk towards Bhagipatti Road in the district of Gopalganj;

(iii) Any other relief/reliefs that the petitioner may be found to be entitled to in the facts and circumstances of the present case.”

After the matter was heard for some time, learned counsel for the petitioner, under instruction, states that the petitioner shall be content if a direction is issued to Respondent No. 4, namely The Chief Manager, Territory Office, Bharat Petroleum Corporation Limited, T M Retail, Muzaffarpur to consider and decide the representation to be filed by the petitioner along with a copy of this order within a period of four weeks, within a period of three months from the date of its presentation.

Without expressing any opinion on merits of the claim, petition is disposed of with the liberty aforesaid. All



issues on facts and law are left open.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS/-

U			
---	--	--	--

