

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9335 of 2022

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Ruby Pandey wife of Kamlesh Kumar Pandey Resident of Village- Dhanibar,
P.O.- Despur, P.S.- Amba, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. Indian Oil Corporation, Patna Divisional Office Block-A, Mauryalok Complex, 3rd Floor, Dak Bunglow Road, Patna-800001 through its General Manager.
2. Deputy General Manager (Retail Sales), Patna Divisional Office, Block-A, Mauryalok Complex, 3rd Floor, Dak Bunglow Road, Patna-800001.
3. Chief Manager (Vigilance)-ER, Indian Oil Bhawan, 2 Gariahat Road, South Kolkatta (West Bengal).
4. Divisional Manager, Patna Divisional Office, Block-A, Mauryalok Complex, 3rd Floor, Dak Bunglow Road, Patna-800001.
5. Rakshit Agrawal Son of Rajan Prasad Agrawal Old GT Road, Near Jama Masjid, P.O. and P.S.- Aurangabad, District-Bihar-824101.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raju Giri, Advocate
		Mr. Santosh Kumar Mishra, 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 MR. JUSTICE S. KUMAR)

Date : 03-08-2022

Heard learned counsel for the parties.

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

- i. To issue an appropriate writ / order / direction, in the nature of mandamus commanding the respondents to produce the allotment letter of Retail Outlet (Petrol Pump) dealership at "Between km stone 128 and 126 in RHS on



NH- 139 going towards Daudnagar from Aurangabad”, District – Aurangabad under Open Category issued in favour of respondent no. 5 and thereafter to issue a writ of certiorari, quashing the allotment of the aforesaid Retail Outlet dealership in favour of respondent no.5.

- ii.* To issue an appropriate writ / order / direction, in the nature of certiorari for quashing the letter dated 31.03.2021 issued by the Deputy General Manager (Retail Sales) Patna Divisional Office, Indian Oil Corporation Limited by which the complaint of the petitioner was not entertained.
- iii.* To issue an appropriate writ / order / direction, in the nature of mandamus commanding the respondents to issue allotment letter of Retail Outlet (Petrol Pump) dealership in favour of the petitioner at location “Between km stone 128 and 126 in RHS on NH- 139 going towards Daudnagar from Aurangabad”, District – Aurangabad under Open Category.
- iv.* To any other relief or reliefs for which the Petitioner is entitled to.



Learned counsel for the petitioner states that petitioner's complaint has not been entertained and decided by the appropriate authority and petitioner shall be content if a direction is issued for expeditious disposal of the same.

Learned counsel for the respondents states that the complaint of the petitioner shall be considered and decided within a period of three months from the date of appearance of the petitioner before the Appellate Authority along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall make himself available before the appropriate authority on 22nd of August, 2022;

(b) Opportunity shall be granted to the petitioner to place on record all essential documents and materials, if so required and desired;

(d) Petitioner through learned counsel undertakes to fully cooperate;

(e) The appropriate authority shall decide the



compliant on merits, in compliance with the principles of natural justice;

(f) The appropriate authority shall pass a reasoned and speaking order, within a period of three months from the date of appearance of the petitioner before the appropriate authority;

(g) Copy of the order passed by the appropriate authority shall be supplied to the parties;

(g) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;

(h) 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;

(i) We have not expressed any opinion on merits. All issues are left open;

(j) Liberty reserved to the petitioner to assail the order, before the appropriate forum, should the need so arise subsequently.



The instant petition stands disposed of in the
aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	05.08.2022
Transmission Date	

