

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14255 of 2021

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Smt. Anita Devi, W/o Late Ashwani Kumar Ray, Resident of Village - Rani,
P.O. - Rani, P.S. - Bachhwara, District - Begusarai, State - Bihar.

... .. Petitioner/s

Versus

1. The Bharat Petroleum Corporation Limited (BPCL), through its Chief Manager, Ashiana Chamber, 3rd Floor, Exhibition Road, Patna - 01.
2. The Senior Regional Manager, Barauni Retail Territory, NH-31, Barauni, District - Begusarai.
3. The Territory Manager (Retail) (BPCL), Barauni Retail Territory, NH-31, Barauni, District - Begusarai.
4. The National Highway Authority of India (NHAI), through its Chairman, New Delhi.
5. The Regional Officer, National Highway Authority of India (NHAI), Vivekanand Marg, Boring Road, Patna.
6. The Project Director Cum General Manager (technical), National Highway Authority of India (NHAI), Patna.
7. The State of Bihar, through the Secretary, Road Construction Department, Government of Bihar, Patna.
8. The Chief Engineer (Mechanical), North Bihar Wing, Road Construction Department, Government of Bihar, Patna.
9. The Superintending Engineer, Road Construction Department, Road Circle, Begusarai.
10. The Executive Engineer, Road Division Teghra, Begusarai.
11. The District Magistrate, Begusarai.
12. Mr. Rahul Kumar Ray, S/o Late Shiv Shankar Ray, Resident of Village - Rani, P.O. Rani, P.S. Bachhwara, District - Begusarai, State - Bihar Selected Candidate for retail outlet dealership of BPCL at between Km stone 603 and 614 on either side on NH28 New NH 122

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Sharma, Advocate
For the Respondent/s : Mr.Manoj Kumar Ambastha, SC-26

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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 13-01-2022 Petitioner has prayed for the following relief(s):

“(i) For issuance of a writ in the nature of certiorari for quashing a letter No. BNI. NRO, Bachhwara on NH-28 (New NH-122) vide dated 11.08.2020 (Annexure-2) whereby and whereunder respondent no. 3 has sanctioned a retail outlet of BPCL, (Fuel Station) to the respondent no. 12 and requested to the respondent No.11 to grant No Objection Certificate (NOC) and also issuance in the nature of mandamus for directing/ commanding the respondent authorities for not to grant NOC and cancel the selection of candidature to open retail outlet dealership at between Km stone 603 and 614 on either side of H-28 (New NH-122), District- Begusarai.

(ii) For other consequential relief or reliefs for which the petitioner would be found entitled under the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if the present petition is disposed of with a direction issued to appropriate authority to consider and decide the representation to be filed within four weeks along with a copy of this order, within a period of three months from



the date of its presentation.

Learned counsel for the respondent State states that if the representation is filed within the time stipulated, the same shall be considered and decided positively within a period of three months.

Statement accepted and taken on record.

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.

Without expressing any opinion on merits of the claim and leaving all issues on facts and law open, 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

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