

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9859 of 2022

Mritunjay Kumar Singh Son of Ramanuj Singh Resident of LIG 78, Baikunth Sukala Park Road, Near Judges Quarter, Housing Board Colony, P.S.-Rampur, District-Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction department, Government of Bihar, Patna.
2. The Engineer-in-Chief-Cum-Additional Commissioner-Cum-Special Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Chairman, National Highways Authority of India (NHAI), G- 5 and 6, Sector-10, Dwarka, New Delhi-110075
4. The Superintending Engineer, North Bihar Road Division, Gaya.
5. The Executive Engineer, Road Division, Road Construction Department, Gaya.
6. The Assistant Engineer, Road Division, Gaya.
7. The Junior Engineer, Road Division, Gaya.
8. The Collector-Cum-District Magistrate, Gaya.
9. The District Arms Magistrate, Gaya.
10. The Circle Officer, Tekari, Gaya.
11. The Block Development Officer, Tekari, Gaya.
12. The Deputy General Manager, Patna Retail RO, Hindustan Petroleum Corporation Limited, Patna.
13. The Hindustan Petroleum Corporation Limited, represented through its Territory Manager (Retail), Gaya.
14. The Assistant Executive Engineer, For CE-Regional Officer, Patna.
15. The Deputy Manager, Sales Retail, Gaya Territory, Hindustan Petroleum Corporation Limited.
16. The Duly Constituted Attorney, TM (Retail), Gaya.
17. Sunil Kumar Son of Ram Naresh Sharma , C/o-Magadh Construction, Resident of New Area, P.S.-Civil Line, District-Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Niranjan Kumar, Advocate
Mr. Kumar Kishan, Advocate
Mr. Avinash Raushan, Advocate
For the Respondent/s : Mr.Manoj Kr. Ambastha (SC-26)
Mr. Neeraj Kumar Gupta, Advocate

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 04-08-2022

Heard learned counsel for the parties.

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

- i. For issuance of writ in the nature of certiorari for quashing of the Order dated- 31.05.2022 having Reference No. PRO/RET/01 issued by the Deputy General Manager, Patna Retail Regional Office, Hindustan Petroleum Corporation Limited, Patna in compliance of the Order dated- 23.03.2022 passed in C.W.J.C. No. 6117 of 2021, whereby and whereunder the Application dated- 29.03.2022 filed by the petitioner before the Grievance Redressal Forum of the Respondent Company (HPCL) has illegally and arbitrarily been rejected in a very mechanical manner on wrong proposition of laws and facts and without appreciating the facts and circumstances as well as prevailing law.

- ii. For issuance of appropriate writs, orders or directions to the respondents to bring on record all the procured and illegal documents i.e. Letter of Intent (LOI), NOCs of different concerned departments and NOC dated- 31.12.2021 contained in Letter No. 1568 issued by the District Magistrate, Gaya and to set aside the same in pursuance of the Advertisement dated- 25.11.2018, whereby and whereunder the Hindustan Petroleum Corporation Limited has issued an advertisement for award of Retail Outlet Dealership at within 2 KMs. from Panchanpur Police Station towards Konch on N.H.- 120 (Old S.H.-07) under the district of Gaya under Open Category.
- iii. For issuance of writ in the nature of certiorari for quashing of the part of the Advertisement dated- 25.11.2018, whereby and whereunder the Hindustan Petroleum Corporation Limited has issued an advertisement for award of Retail Outlet Dealership at within 2 KMs. from Panchanpur Police Station towards Konch on N.H.- 120 (Old S.H.-07) under the district of

Gaya under Open Category in teeth of guidelines of Indian Road Congress (IRC) and the guidelines / norms of the Ministry of Road Transport and Highways, Government of India as well as without following the provisions of concerned Acts and Statutes although an outlet for Hindustan Petrol Pump has already been running by this petitioner in the name and style of "Bandana Auto Mobiles" situated at village- Nepa (Fatehpur), Panchanpur, Gaya, on N.H.-120 (Old S.H.-07) by fulfilling each and every criteria laid down under the Guidelines, Statutes and Acts.

- iv. For issuance of writ in the nature of certiorari for quashing of the provisional No Objection Certificate (NOC) issued by Assistant Executive Engineer for CE-Regional Officer, Patna, in favour of private respondent no. 17, addressed to the Hindustan Petroleum Corporation Limited, Lok Nayak Jai Prakash Bhawan, 6th Floor, Dak Bunglow Chowk, Patna, having proposal for access permission to the proposed retail outlet of HPCL on NH-121 at Ch. 117.801 in Khata No.156 and 105, Plot No.

370 and 369 at Mauza - Panchanpur, Thanka- Tekari, District- Gaya in the State of Bihar ignoring the fact that the offered land for opening of retail outlet of HPCL on N.H-120 is in violation of Clause- 4.5.1 and 5.2 and also in violation of the Advertisement for Appointment of Regular/Rural Retail Outlets Dealerships and for the proposed location figured at Serial No. 10 in which required Minimum Dimension in meter i.e. Frontage- 40 meters and Depth- 45 meters and the Total Area in Square Meter shall be 1800 Square Meters but the Depth of the Offered Land is only 18.28 mts. and Frontage is Curve and the Backside of the Offered Land is 42.06 mts. only and the Total Area of the Offered Land is 768.85 square meters, which is much less than the required dimension for opening the outlet at the proposed site as per the Advertisement itself and also in violation of the other provisions/ guidelines of Ministry of Road Transport and Highways, Government of India as well as IRC.

- v. During the pendency of this writ application, operation of the impugned action of the Corporation for award of R.O.

Dealership at within 2 KMs from Panchanpur Police Station towards Konch on N.H.-120 (Old S.H.-07) under the district of Gaya under Open Category may be stayed.

- vi. For any other relief/reliefs to which the petitioner is entitled for.

Learned counsel for the petitioner seeks permission to withdraw this petition.

Permission is granted.

This petition is disposed of as withdrawn.

(Sanjay Karol, CJ)

Rajiv/veena-

(S. Kumar, J)

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	