

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15687 of 2021

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1. Shishir Sharma S/o Umesh Prasad Sharma, Resident of 631P/36 Dev Nagar, Sector - 8, PO - Indra Nagar, PS - Ghazipur, District - Lucknow (U.P.)
 2. Ravi Shankar, S/o Raghuvansh Singh, Resident of Rajpur, Jaunpur, P.S. - Patori, Samastipur, Bihar.
 3. Binay Kumar Singh, S/o Digvijay Narayan Singh, Resident of Village - Banbira, PO - Phalai, PS - Tazpur, District - Samastipur.

... .. Petitioner/s

Versus

1. The Union of India through its Secretary, Ministry of Petroleum and Natural Gas, Shashtri Bhavan, New Delhi.
2. The Indian Oil Corporation Limited, through its Managing Director, Indian Oil Bhawan G-9, All Yavar Jung Marg, Bandra East, Mumbai, Maharashtra.
3. The Managing Director, Indian Oil Bhawan, G-9, All Yavar Jung Marg, Bandra East, Mumbai, Maharashtra.
4. The Head of Divisional Office, Begusarai Divisional Office Indian Oil Corporation Limited (M.D.), Near Barauni Refinery Police Station, District - Begusarai, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. P.N.Shahi, Senior Advocate
		Mr. Mrityunjay Kumar, Advocate
For the Respondent/s	:	Dr. K. N. Singh, ASG

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 05-12-2022 Petitioners have prayed for the following reliefs:

“(i) preferably in the nature of Certiorari for setting aside the email notice dated 07.05.2021 sent to the petitioner by the respondent no.3 by which the candidature of the petitioner for grant of Retail Outlet Dealership for the location no. 857 situated at within 4 Km from Chaklalshahi Pul towards Bakhtiyarpur on New Bakhtiyarpur-Tajpur National Highway, District-Samastipur



bearing application no. 15453796518251 has been cancelled without any reason.

(ii) To issue an appropriate writ preferably in the nature of Mandamus commanding upon the respondent authorities to grant Retail Outlet for location no. 857 situated at within 4 Km from ChaklalshahiPul towards Bakhtiyarpur on New Bakhtiyarpur-Tajpur National Highway, District-Samastipur.

(iii) To held and declare that the petitioner fulfill criteria (v) Group-1 as laid down by the respondent authorities in their advertisement and brochure dated 24.11.2018.

(iv) To grant any other relief(s) for which the petitioner is found entitled to in the facts and circumstances of the case.”

Having heard learned counsel for the parties at length, Sri P. N. Shahi, learned senior counsel for the petitioners, under instructions, states that since the respondents themselves have taken a decision of refunding the amount deposited with the respondents as security deposit, perhaps, the respondents may also examine the issue of the expenses incurred by each one of the petitioners in procuring the land based on lease basis and the other expenses incurred by them.

It is not in dispute that the petitioners, pursuant to the advertisement dated 25.11.2018 had applied and also were shortlisted as successful candidates, however, it is only on account of the error later on identified by the respondents



themselves that the location was cancelled.

In this view of the matter, as prayed for by Shri P.N. Shahi, we deem it appropriate to dispose of the present petition with a direction to the respondent no.4, namely, the Head of Divisional Office, Begusarai Divisional Office Indian Oil Corporation Limited (M.D.), Near Barauni Refinery Police Station, District - Begusarai, Bihar to consider the petitioners' request which the petitioners shall be making within a period of 4 weeks from today.

Ordered accordingly.

Upon receipt of such request after affording opportunity of hearing order assigning reasons shall be passed in accordance with law.

Liberty is reserved to the petitioners to approach the Court, if the need so arise.

The present petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, stands disposed of.

(Sanjay Karol, CJ)

Bibhash/Ashwani

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(Partha Sarthy, J)

