

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.758 of 2021

=====

VIJAY KUMAR SON OF ASHOK KUMAR SHARAN Resident of Village
and P.o.- Chhatauna, P.s. and Prakhand- Piprahi, District- Shivhar (Bihar)
843327

... .. Petitioner

Versus

1. The Union of India through Principal Secretary, Ministry of Petroleum and Natural Gas, Shastri Bhawan, New Delhi-11001
2. The Regional Manager (Area Manager) Bharat Petroleum Corporation Ltd. Near Narayanpur Anant Railway Station, Resident of Village- Sherpur, P.o.- MIC Bela, Mujaffarpur (Bihar), Pin-842005
3. The Chief Manager/Chief Executive Officer, Bharat Petroleum Corporation Limited, Registered Office Bharat Bhawan, 4 and 6 Karim Bhai Road, Belard Estate, Post Box No. 688, Mumbai (Maharasta), Pin Code-400001
4. VIKAS KUMAR Son of Lalbabu Choudhary Resident of Village- Arkoni, P.s.- Tariyari, District- Shivhar

... .. Respondents

=====

Appearance :

For the Petitioner : Mr. Virendra Kumar
For the Respondent UoI : Mr. Dr. K. N. Singh (Asg)

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 13-01-2022 This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

2. Mr. Anirudh Mishra, learned counsel submits that he has been instructed by Mr. Birendra Kumar, learned counsel to argue this case on behalf of the petitioner.

3. This writ application has been filed seeking direction to the respondents to cancel L.P.G. distributorship of Respondent No.4, who, according to the petitioner, has been



wrongly selected by ignoring the eligibility criteria.

4. From the pleadings on record, it appears that the petitioner, raising similar complaint, had approached this Court by filing a writ petition giving rise to CWJC No. 16085 of 2018, which was disposed of on 30.11.2018 with a liberty to the petitioner to file a fresh representation after depositing cost of Rs.5,000/- (Five Thousand) under unified guidelines for selection of L.P.G. distributor. The petitioner, accordingly, filed a representation thereafter before the competent authority.

5. From a communication dated 05.03.2019, which has been brought on record by way of Annexure-3 of the writ application, it appears that the petitioner's complaint was threadbare considered by the competent authority, before rejection of his complaint. The petitioner did not challenge the said communication dated 05.03.2019 before any forum. Even in the present proceeding, there is no challenge to the said communication dated 05.03.2019. The petitioner, in the present writ application, is again seeking a direction for cancellation of the distributorship in favour of the respondent No.4.

6. Learned counsel appearing on behalf of the petitioner has submitted that the distributorship has been awarded in favour of respondent No.4 in gross violation of the provisions in



that regard, ignoring the fact that a high voltage line of 11000 volt is running over the plot of the land offered by the respondents for construction of godown and the show room.

7. Since the petitioner has chosen not to question the correctness of the decision of the Corporation communicated through letter dated 05.03.2019 and has filed the writ application by seeking the same direction, as noted above, in our opinion, this application lacks *bona fide* and deserves to be dismissed with cost.

8. This writ application is, accordingly, dismissed with a cost of Rs. 5,000/- (Five thousand) to be deposited in the account of the Bihar State Legal Services Authority.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

Pawan/-

U			
---	--	--	--

