

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2733 of 2021

=====

Sanjiv Kumar Ray Son of Lalan Ray Resident of Vilalge-Mathia, Block-Nautan, Post-Shahpur, Police Station-Nautan, District-Siwan, Pin-841243.

... .. Petitioner/s

Versus

1. The Indian Oil Corporation Ltd. through its Managing Director, Registered Office at G-9 Ali Yawar Jung, Bandra (East), Mumbai-400051.
2. The General Manager (LPG) Bihar State Office, Indane Oil Corporation, Lok Nayak Bhavan, Dak Bunglow Chowk, Patna.
3. The Deputy General Manager 9LPG-S), Indane Area Office, Patna, First Floor, Shashi Bhawan, Exhibition Road, Patna-800001.
4. The Area Manager, Indane Oil Corporation Ltd.(Marketing Division) 1st Floor, Shahi Bhawan, Exhibition Road, Patna-800001.
5. Shashi Kant Shukla Son of Shivashiv Prasad Shukla, Resident of Village-Kabirpur, Distirct-Siwan-841226.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Advocate

For the Respondent/s : Mr. Lalit Kishore (AG)

Mr. Ankit Katriar, Advocate

Mr. Sanjay Kumar Pandey, Advocate

Mr. Abhay Kumar Upadhyay, Advocate

Mr. Sanjay Kumar Pandey, Advocate

=====

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.)



4 14-02-2022

Petitioner has prayed for following relief (s) :-

I. For issuance of a writ of certiorarified mandamus calling for the records leading to issuance of letter of intent dated to 31.8.2020 by the competent authority of the respondent Corporation and to quash the said letter of intent dated 31.8.2020 as the action of the respondent Corporation in issuing letter of intent to private respondent is illegal unfair and arbitrary as the land offered at the time of submission of application by private

respondent did not meet requirement as laid down in the brochure resulting in cancellation of his candidature which decision was subsequently reviewed and thus the power of review was exercised erroneously, for unauthorized purpose without any lawful excuse to confer state largesse.

II. For a writ of mandamus to hold and declare that the action of the respondent Corporation in making allotment of letter of intent dated 31.8.2020 in favour of private respondent after his candidature was earlier cancelled vide letter dated 3.4.2020 on the finding that his application as found undeserving as not meeting the specific requirement and thus the power of review of administrative action is wholly without jurisdiction and exercised for unauthorized purpose and in-conscious violation of law to the prejudice of the petitioner and suffers from malice in law.

III. For a writ of mandamus to hold and declare that after quashing the letter dated 31.8.2020 the respondent Corporation be directed to give effect to the letter dated 3.4.2020 to the extent whereby, it had directed that the further action will be taken in terms of circular/guidelines of Ministry of Petroleum and Natural Gas for the specified location, which envisages re-undertaking the exercise by initiating the process of selection amongst the remaining eligible applicant by directing for lot of draw amongst them for award & for issuance of LOI



to deserving applicant.

(iv) For any other relief/reliefs to which the petitioner is entitled under law.”

In the response, respondent has averred at para-15 as under:

“That, in response to the Corporation’s letter dated 21.10.2021, the private respondent no. 5 replied on 27.10.2021 and sought more time to submit the documents. He finally submitted his reply on 20.12.2021, along with a sketch map dated 23.11.2021 bearing signature of all the co-owners of the offered land, as well as a fresh lease deed dated 02.12.2021 which was executed by only one co-owner Smt. Gulaychi Devi. The private respondent no.5 also submitted two NOCs from the other two co-owners. Despite having submitted these documents, it was apparent that the private respondent no. 5 could not produce the specific registered rectification deed/confirmation deed in line with the categorical requirement of the Corporation’s aforementioned Inter-Office Memo bearing reference no. SL/VKM/1111 dated 26.04.2018. Accordingly, in light of private respondent no. 5’s failure to submit the document which were required as per Corporation’s policy (i.e. the registered rectification/ confirmation deed evidencing confirmation by all the co-owners of their acceptance of giving lease for the original offered land), despite having accorded fair opportunity to the private respondent no. 5 to submit the same, the Corporation has withdrawn the LOI issued to the private respondent no. 5 and necessary communication in this regard is being sent to the private respondent no. 5.”

In view of the same, learned counsel for the petitioner, under instructions, states that the petition may be permitted to be withdrawn.

Prayer allowed.

Petition is disposed of as withdrawn.



Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/chn

U			
---	--	--	--

