

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12241 of 2022

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Vijay Kumar S/o Late Vinod Prasad Thakur, R/o Bakhari, Sarfuddinpur, P.S.-
Bochaha, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Muzaffarpur.
2. The Collector Muzaffarpur.
3. The Senior Deputy Collector, In-charge, General Section, Muzaffarpur.
4. The Executive Engineer, Road Construction Department, Road Division no.
- 1, Muzaffarpur.
5. Assistant Engineer Road Construction Department, Road Division no. 1,
Muzaffarpur.
6. Regional Manager, Bharat Petroleum Corporation Limited, Sherpur
Narayanpur Anant, Near Railway Station, Muzaffarpur.
7. The Territory Manager (Retail) Bharat Petroleum Corporation Limited,
Sherpur Narayanpur Anant, Near Railway Station, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Manoj, Adv
For the State	:	Mrs. Pushpanjali Sharma AC to SC-20
For the BPCL	:	Mr. Siddhartha Prasad, Adv
		Mr. Om Prakash Kumar, Adv

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

Date : 08-09-2022

Heard learned counsel for the parties.

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

1. That this application is being filed for issuance of appropriate writ/writs for setting aside the letter no.-972 dt.-6.05.2022 issued by Respondent no.-4 provided under RTI application dt.-17.05.2022 communicated on 31.05.2022 whereby and where under wrong and illegal objection made with regard to Intersection with Rural Roads/Approach roads to Private and public properties in

connection with the proposed land/spot upon which the retail outlet is to be opened is less than 300 Meter as per the Checklist, whereas there is alleged standard required as 300 Meter as per Indian Road Congress-12, at the basis of collusive report of Amin (Annexure-5 Series and 7 Series) and further direction may be made to Respondent no.-4 and 5 to give and submit No Objection to the Petitioner in connection with the opening of new Retail Outlet of Bharat Petroleum Corporation Limited in Village Bakhari, P.S and Block-Gayaghat, District-Muzaffarpur pertains to Thana no.-153, Khata no.-184, Plot no.-1333 as the said outlet is to be opened in the Rural Area beyond National Highways.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the **respondent no. 2 Collector Muzaffarpur**, to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such

a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of on the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioner;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioner to take

recourse to such alternative remedies as are otherwise available in accordance with law;

(g) 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;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA