

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13751 of 2022

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Banarashi Paswan Son of Late Mahavir Paswan, resident of Village-
Hansapur, P.S.-Karandey, District-Sheikhpura.

... .. Petitioner/s

Versus

1. The Union of India through a Secretary Petroleum and Natural Gas A Wing Shastri Rajendra Prasad Road, New Delhi.
2. The National Highway Authority of India through its Project Director, PUI Begusarai, District Begusarai.
3. The Project Director, National Highway Authority of India PIU, Begusarai, Near Barauni Diary Shokhara Diary Road Barauni, District Begusarai.
4. Bharat Petroleum Corporation Limited Barauni (Retail) Territory N.H. 31, Papraul, District Begusarai.
5. The Executive Engineer N.H. Division-II, Bihar Sharif, District Nalanda.
6. The Chief Engineer-cum-Regional Office, Road Transport and National Highway Near Nakti Bhawani Mandir, N.H. 98 Kurji, Via Khagaul, Patna.
7. The Assistant Executive Engineer-cum-Regional Officer, Road Transport and Highway, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Md. Anisur Rahman, Advocate
For the Respondent/s	:	Dr. K.N. Singh, Additional Solicitor General

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

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 16-09-2022

Heard learned counsel for the parties.

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

- (A) For issuance of appropriate writ/order or direction quashing the order issued under letter no. 1619 dated 22.12.2021 passed by Priyanka Singh Asst. Executive Engineer for Regional Officer Patna the respondent No. 7 by which the proposal for allotment for retail outlet (Petrol Pump) of the respondent. No. 4 the Bharat Petroleum Company limited to the petitioner has been returned to the respondent no. 5 as unapproved as contained in **Annexure-13** to this writ application.
- (B) For issuance of appropriate writ/order or direction commanding the respondents to approve the proposal for allotment of the retail outlet (Petrol Pump) of M/s Bharat Petroleum Company Ltd to the petitioner.
- (C) For issuance of appropriate writ/order or direction commanding the respondents to allow the petitioner to run the said retail outlet (Petrol Pump) on the said offered land under Khata No. 63, plot (Khesra) No. 518 situated in village Hansapur P.S. Karandey, District Sheikhpura.
- (D) For any other relief or reliefs for which the petitioner is found entitled in the opinion of this Hon'ble court.

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 authority concerned i.e. **respondent no. 3, The Project Director, National Highway Authority of India PIU, Begusarai, Near**

Barauni Diary Shokhara Diary Road Barauni, District Begusarai or any of the statutory authority 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 in 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) Needless to add, while considering such

representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

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

(e) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(f) 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;

(g) Liberty reserved to the petitioner to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of action;

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

(i) The proceedings, shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	