

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.286 of 2022

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Sudha Kumari Wife of Krishnanandan Kumar Resident of Flat No.- 2/C,
Kamla Apartment, Kavi Raman Path, East Boring Road, P.S.- Budha Colony,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Revenue and Land Reforms, Govt of Bihar, Patna.
2. The District Magistrate, Jehanabad.
3. The Additional Collector, Jehanabad.
4. The Deputy Collector, Land Reforms, Jehanabad.
5. The Officer-in-Charge, District Revenue Branch, Jehanabad.
6. The Sub Divisional Officer, Jehanabad.
7. The Circle Officer, Ratni Faridpur, Jehanabad.
8. The Bharat Petroleum Corporation Limited, represented through Managing Director, having its Head and Registered office at Bharat Bhavan, Currimbhoy Road, Road No.-4 and 6, Ballard Estate, Mumbai.
9. The Senior Territory Manager (Retail), Bharat Petroleum Corporation Limited, Territory Office, P.O.- Pakri, Via- Anisabad, Patna.
10. The Assistant Executive Engineer, Office of Regional Officer, Department of Ministry of Road Transport and Highways, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Krishna Chandra, Adv
For the Respondent/s : Mr.Rishi Raj Sinha (SC19)

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(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.)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 18-02-2022

Heard learned counsel for the parties.

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

“To Command and direct the respondent

authorities to issue “No Objection Certificate” in the name of petitioner which is required for the purpose of opening of new retail outlet dealership of Petrol Pump at location “within 2 K.M. from Madhya Bihar Gramin Bank Jhunathi on RHS while moving from Arwal towards Jehanabad, District Jehanabad,” under open category in consonance with the Rule-144 of Chapter VII of the Indian Petroleum Rules, 2002, as well as in terms of the parameter stipulated in Advertisement dated 25.11.2018 for which the letter of Intent has been issued in favour of the petitioner vide Letter No. PT/DSG2018/468 DATED 25.01.2020 by the Bharat Petroleum Corporation Limited and further prays for directing the respondents to pay compensation/loss caused due to the undue delay in issuing “No objection Certificate” even after fulfilling the required criteria.

(ii) For direction upon the Respondent Highway Administration, Ministry of Road Transport & Highways to extend or renew the provisional approval granted vide letter dated 31.12.2020 for construction of fuel station along with access as per approved layout drawings.”

After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioner, 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. 2 District Magistrate, Jehanabad**, 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;

(j) The proceedings, during the time of current Pandemic- Covid-19 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)

ranjan/-

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