

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19987 of 2019

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Ram Prasad Sardar son of Nunulal Sardar R/o Village- Bhattabari, Post-Surpatganj, P.S.- Chhatapur, District- Supaul.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Petroleum and Natural Gases.
2. The Indian Oil Corporation through its Managing Director, Mumbai.
3. The General Manager, Indian Oil Corporation, Mumbai.
4. The Chief Area Manager, Indane Area Office, Begusarai.
5. Area Manager, Indian Oil Corporation Ltd., Indane Area Office, Begusarai.
6. The Regional/ Field Verification Officer, Indane Area Office, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ramchandra Jha Raman, Advocate
For the Respondent/s	:	Mr. Awadhesh Kumar Pandey, Sr. Panel Counsel
For I.O.C.L.		Mr. K.D. Chatterjee, Sr. Advocate
		Mr. Amlesh Kumar Varma, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 07-12-2022

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

“For issuance of an appropriate writ/ writs, order/ orders, direction/ directions to the respondents particularly a writ in the nature of mandamus directing and commanding the Respondents to allot Dealership of Rular Retail out let of Indian Oil Corporation at Chhatapur-Pratapganj Road to the petitioner, under Group-1 category for which he is entitled and the Respondents are illegally restraining the petitioner from getting it though the petitioner



fulfills all the criteria for consideration under Group-1 category of Dealership but illegally the petitioner was offered to be considered under Group-3 category of dealership deviating from the established rules/guidelines as contained in Brochure and further for any other appropriate relief or relieves for which the petitioner is entitled in the facts and circumstances of the instant case.”

Shri K.D. Chatterjee, learned senior counsel for the respondent Indian Oil Corporation Limited, states that, perhaps, for ascertaining the factual matrix from the competent authority i.e. the Road Construction Department, Government of Bihar, the advertisement for selection of dealers, subject-matter of the present lis, may be withdrawn.

Well, it is for the authorities to take appropriate action in that regard. However, insofar as the instant case is concerned, having perused the original record placed before us as also from the material on record, we are of the firm belief and view that the impugned order dated 27th of July, 2019 (Annexure-4, page-55) needs to be quashed and set aside inter alia for the reason that the order does not disclose as to which one of the conditions set out in Clause-4(v)(d) (page-22) of the brochure for selection of dealers issued on 24th of December, 2018 stood breached or in what manner the petitioner was not compliant with respect thereto. Also we notice that petitioner was never ever afforded any opportunity for having



taken remedial measures by offering alternate land, as is so stipulated.

As such, we quash and set aside the impugned order dated 27th of July, 2019 (Annexure-4, page-55), reserving liberty to the respondents to take appropriate action in accordance with law.

Petition is allowed and disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	08.12.2022
Transmission Date	

