

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24281 of 2019

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Smt. Nilu Singh, W/o Sri Mithilesh Kumar Singh, resident of Village- Bihat, Tola- Jagir, P.S. Barauni, District- Begusarai, PIN- 851135.

... .. Petitioner/s

Versus

1. The Indian Oil Corporation Ltd. through its Chairman cum Managing Director, G-9 Ali Yavar Jung Marg, Bandra (East), Mumbai- 400051.
2. The Chief Divisional Retail Sales Manager, Indian Oil Corporation Ltd. (MD), Begusarai Divisional Office, Begusarai.
3. The Senior Divisional Retail Sales Manager, Indian Oil Corporation Ltd. (MD) Begusarai Divisional Office, Begusarai.
4. The Senior Manager (RS), Indian Oil Corporation Ltd. (Marketing Division), Bihar State Office, Lonknayak Jayprakash Bhawan (5th Floor), Dak Bunglow Chowk, Patna- 800001.
5. The State of Bihar through the District Magistrate, Begusarai.
6. Smt. Anita Kumari, W/o Sri Abiral Kumar, Village and Post Office- Bihat, Tola- Khemkaranpur, P.S.- Barauni, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Navin Prasad Singh, Adv.
For the Respondent/State	:	Mr. Upendra Pratap Singh, AC to Sc4
For IOCL	:	Mr. Sanat Kumar Mishra, Adv.
For Respondent No. 6	:	Mr. Sanket, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

4 21-11-2022 Heard Mr. Navin Prasad Singh, for the

petitioner and Mr. Sanat Kumar Mishra, for the Indian

Oil Corporation Ltd. and Mr. Sanket, for private



respondent No. 6. The State is represented by Mr. Upendra Pratap Singh.

The petitioner is aggrieved by the decision of the IOC in selecting private respondent No. 6 for running the Kisan Seva Kendra Retail Outlet in the district of Begusarai for the reason that according to the petitioner, the respondent No. 6 had not offered the land having minimum dimension of 20 metre frontage and 20 metre sideways, which was one of the mandatory conditions for being considered for grant of license to run such Kisan Seva Kendra Retail Outlet.

It appears from the records that both, the petitioner and respondent No. 6 were contenders, who offered land which was procured on lease. The Land Evaluation Committee found that both the contenders fulfilled all the criteria and thus the selection process was done through draw of lots, in which respondent No. 6 was selected.

A complaint was filed by the petitioner on



14.10.2016 alleging that the land offered by the respondent No. 6 had a frontage of only 14 metres instead of 20 metres and that there was no necessity of drawing of lots as the petitioner was the only eligible candidate left for having fulfilled all the criteria in the advertisement of the said purpose.

It further appears from the records that the said complaint was verified and it was found that the respondent No. 6 had offered land of Khata No. 1704, which fulfilled the requirements in the advertisement. In fact, the other plots of land shown by respondent No. 6 falling in Khesara No. 1726 and 1727 were not required for the purpose.

Notwithstanding the aforesaid fact having been gathered in the verification, both the petitioner and respondent No. 6 were asked to submit documents and offer proof of their respective claims, to which both of them responded by providing tracing-maps and certificates of *Amin* in proof of the claim and the



counterwailing claim of the petitioner.

The land was measured again, when it was found that it had 20 metres depth and it measured 20 metres sideways also.

Precisely for this reason, the complaint of the petitioner was rejected.

What perhaps prompted this litigation was a typographical / inadvertent error in the lease-deed of the land offered by the respondent No. 6 in which the khata number was wrongly mentioned as 239 whereas in fact it is 339.

Any rectification later by a candidate may be subject to challenge but not in cases where the situs of the plot offered, for which a claim of a particular contender was considered, is same and there is an apparent error in entering the Khata number, either in the form or in the lease-deed so offered.

Apart from this, it has been brought to our notice that correction was carried out in the lease deed



as regards the Khata number which was accepted by the Indian Oil Corporation.

The argument of Mr. Navin Prasad Singh that no alteration, addition or deletion can be permitted, is not worth accepting as the rectification in the present instance is only with respect to the number of the Khata which does not at all change the situs of the land.

Pursuant to the respondent No. 6 having been selected in the draw of lots and his candidature being complete in all respects, No Objection Certificates were issued by various authorities and license was issued under the Petroleum and Explosives Safety Organization (PESO) at Kolkata.

The Retail Outlet appears to have been commissioned way back in the year 2019 and since then, it is being run by the respondent No. 6.

The grounds raised on behalf of the petitioner that the dimensions of the land offered by respondent No. 6 does not conform to the requirements in the



advertisement, therefore, is incorrect.

We do not find any reason to interfere with the selection process or of the decision to select respondent No. 6 for running the outlet.

The petition is dismissed but without any order as to costs.

(Ashutosh Kumar, J)

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(Nawneet Kumar Pandey, J)

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