

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.356 of 2020

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Prakash Kumar, Son of Sri Kailash Prasad Yadav Resident of Village and
P.O.- Hulas, P.S.- Raghapur, District- Supaul.

... .. Petitioner/s

Versus

1. The Divisional Manager (Retail) Bharat Petroleum Corporation Limited
Having office at Lok Nayak Bhawan 5th Floor, Dakbungalow Chawraha,
P.S.- Kotwali, District- Patna.
2. The Territory Manager (Retail) Bharat Petroleum Corporation Ltd. At-
Barauni TOP Papraur, P.O.- Barauni, District- Begusarai.
3. Sri Abhishek Sharan Head of Territory Office, Territory Manager (Retail),
Bharat Petroleum Corporation Ltd. At- Barauni TOP Papraur, P.O.- Barauni,
District- Begusarai.
4. The Project Director National Highway Authority of India, Project
Implementation Unit, Darbhanga, House of Shri S.N.Mishra, Ward No. 10
Professor Colony Dighee West, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar, Advocate

For the Respondent/s : Mrs.Vandana Kishore, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 06-09-2022 Heard learned counsel for the parties.

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



(i) To issue an appropriate writ/order/direction in the nature of mandamus commanding the Respondent Authorities especially Respondent No.1 and 2 to make a formal request for seeking approval/no objection for the offered plot appertaining to Thana No.105, Khata No.139, Plot No.3236 & 3237 situated at Mauza Bishunpur Daulat in prescribed manner and/or for condonation/relaxation of parameter for setting up retail outlet may be done as per NHAI Circular/Guidelines or alternative direct them to decide suitability themselves in the light of letter circular dated 16-03-2016 issued by Ministry of Road Transport & Highway (MOST) authorising and intimating all Oil companies to decide suitability of site of establishment Retail out let stations.

(ii) To issue a further writ in the nature of mandamus directing the NHAI to issue no objection certificate for the offered plot appertaining to Thana No.105, Khata No.139, Plot No.3236 & 3237 situated at Mauza

Bishunpur Daulat for establishing retail outlet for the location Pratapganj to Rambishanpur on NH-57 on LHS towards Darbhanga.

(iii) To stay the operation of communication dated 19.09.2019 through e-mail [contained as Annexure-P/2 to this writ petition], whereby and where under it is advised to seek clarification from NHAI and in case if the petitioner fails to obtain clarification from NHAI and fails to submit the same to the Divisional Office by 27th December 2019 then the offered land is liable to be rejected.

(iv) To pass an order preventing/restraining the respondent no.1 & 2 from creating any third party interest during pendency of this writ petition.

(v) To grant any other relief(s) to which the petitioner may be found entitled to.

Learned counsel for the seeks permission to withdraw the present petition.

Permission granted.



Petition stands disposed of as withdrawn.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/-

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