

Item 21. 07-06-2022

MAT 650 of 2022  
CAN 1 of 2022

sg Ct. 8

Kakoli Sarkar  
Versus  
Indian Oil Corporation Ltd. & Ors.

Mr. Benazir Shaikh, Adv.  
...for the appellant

Mr. Puspendu Chakraborty, Adv.  
...for the respondent nos. 1-9

Mr. Susanta Pal, Adv.  
Mr. Prabir Ray, Adv.  
...for the State

By consent of the parties, the appeal and the connection application are taken up together and disposed of by this common order.

The writ petitioner filed the writ application challenging a reasoned order dated 26<sup>th</sup> December, 2019 passed by DGM (LPG-Sales)/DAO, Indian Oil Corporation Limited (MD) with regard to appointment of LPG distributorship in favour of the private respondent, namely, Dipanwita Sarkar.

The writ petitioner and the private respondent both participated in response to a public advertisement published by the Indian Oil Corporation Limited (IOCL) for appointment of LPG Distributorship in different places of West Bengal. A draw of lots was held and the private respondent appeared to be successful in the said draw. The writ petitioner was aggrieved with regard appointment of the private respondent, as according to the writ petitioner, IOCL could not accept the land offered by the private

respondent due to imperfect title.

The learned Single Judge after going through the records and considering the documents produced by the parties, arrived at a finding that the private respondent is a lessee by virtue of a deed of lease executed by Madan Karmakar. The fact reveals that the land in question originally belonged to one Sambhu Nath Chakraborty who permitted one Biswanath Chakraborty to remain in possession. Sambhu Nath Chakraborty and Biswanath Chakraborty are the brothers. After the expiry of Sambhu Nath, the heirs sold the land to one Madan Karmakar in the year 1997. The title to the land originally belonged to Sambhu Nath and thereafter to the legal heirs of Sambhu Nath who subsequently sold the property to Madan Karmakar. Accordingly, Madan Karmakar had a sellable interest in the land and Madan had executed a deed of lease in favour of the private respondent. The representative of IOCL on physical verification and inspection found the land to be a vacant land.

Once the change of title was established and there is no doubt with regard to the capacity of Madan Karmakar to deal with the property as owner, we feel that the acceptance of the said land of IOCL was justified. In view thereof, we do not find any reason to interfere with the order passed by the learned Single Judge.

The appeal and the connection application stand dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

**(Siddhartha Roy Chowdhury, J.)**

**(Soumen Sen, J.)**