

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1315 of 2023

Uday Shankar, S/o Sri Motilal Sah, Resident of Village- Chari, P.O.-
Sikandarpur, P.S.- G.B. Nagar Tarwara, District- Siwan.

... .. Petitioner/s

Versus

1. The Indian Oil Corporation Limited through its Director (Marketing), Marketing Division Head Office, Indian Oil Bhawan, G-9, Ali Yavar Judge Marg, Bandra (East) Mumbai 400051 (Maharashtra).
2. The General Manager (Marketing Division) Eastern Region Office, Indian Oil Corporation Limited, Indian Oil Bhawan, 2 Gariahat Road, South (Dhakuria), Kolkata- 700068 (West Bengal).
3. The General Manager I/c (RS) Marketing Division Indian Oil Corporation Limited Bihar State Office, Laknayak Jaiprakash Bhawan (5th Floor), Dak Bunglow Chowk, Patna (Bihar).
4. The Divisional Retail Sales Head, Indian Oil Corporation Limited Muzaffarpur Division Office, Krishna Complex, Akharaghat Road, Muzaffarpur (Bihar).
5. The Chief Manager, Indian Oil Corporation Limited Muzaffarpur Division Office, Krishna Complex, Akharaghat Road, Muzaffarpur (Bihar).
6. Arjun Kumar @ Arjun Kumar Sah S/o Sri Motilal Sah R/o Village- Chari, P.O. - Sikandarpur, P.S.- G.B. Nagar Tarwara, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate
For the I.O.C.L : Mr.Shailesh Kashyap, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 17-07-2023

Heard learned counsel for the petitioner and learned
counsel for the Indian Oil Corporation Limited.

2. The present writ petition has been filed for a direction to the respondent to refrain from infringing the right to property of the petitioner by encroaching and capturing his land of Khata No. 101, Plot No. 713, area 8 Katha out of 1 Bigha 3 Katha 15 Dhur situated in Mauja- Chandi, Mohali Sahuli, Tauzi



No. 1430, Anchal- Barharia, District-Siwan and further directing to the respondent authorities to refrain from allowing respondent no.6 to establish petrol pump on petitioner's land measuring 8 Katha.

3. Learned counsel for the petitioner submits that the Indian Oil Corporation Limited has issued an advertisement dated 25.11.2018 inviting online applications for allotment of retail outlet dealership for establishing a petrol pump within one kilometer from the upgraded Middle School, Chari towards Tarwara and Ladhi, Block-Barharia, District-Siwan. The said dealership was awarded to respondent No.6 on 24.06.2019. Respondent No. 6 had offered land appertaining to Khata No.101, Plot No. 713 admeasuring 1 Bigha 3 Katha 16 Dhur for the retail dealership and establishing the allotted petrol pump which was accepted by the Indian Oil Corporation Limited (Respondent No.1).

3.1 Learned counsel for the petitioner further submits that the aforesaid land is not sole and exclusive property of respondent No.6, rather the petitioner and, one Anmol Kumar got 8 Katha each from the said plot, but respondent No.6 has fraudulently claimed the entire land. He also submits that Title Suit No. 569 of 2016 had been filed for setting aside the sale



deed No. 12314 dated 13.09.2019 relating to Khata No. 55, Plot No.371, and Khata No.22, Plot No. 353. Learned counsel for the petitioner further submits that respondent No.6 has obtained consent from the Indian Oil Corporation Limited by virtue of a compromise filed in Title Suit No. 569 of 2016. He further submits that in the said compromise petition, the petitioner and respondent no.6, both have put their signature. He further submits that the signature of the petitioner on the said compromise petition had been obtained by pressure and coercion. The petitioner after filing the compromise petition, has filed an objection and according to him the said compromise petition has not been accepted to date. He further submits that the petitioner has come before this Court since the compromise petition has not been accepted to date, therefore, respondent no.6 should be directed not to establish the said petrol pump for which permission has been granted to him by the Indian Oil Corporation Limited.

4. Learned counsel for the Indian Oil Corporation Limited submits that the petitioner and one Anmol Kumar both had given their consent initially in the said title suit as well as through their individual letter which is Appendix-IIIA of the Contract form/application form of the Indian Oil Corporation



Limited. He further submits that the said Anmol Kumar has moved before this court by filing CWJC No. 12351 of 2022 in which almost similar claim has been made and the said writ petition was dismissed vide order dated 08.12.2022.

5. Upon going through the submissions made by learned counsel for the parties; the petitioner has given consent in Appendix-3A of the application form and, subsequently, filed the compromise petition before the Civil Court; there being no decision of the Civil Court with respect to the above land in question as also for maintaining parity of the order passed by this Court in CWJC No. 12351 of 2022, and particularly in view of the fact that granting permission to establish a retail outlet is a policy matter of the Indian Oil Corporation Limited, this Court is not inclined to issue any direction to the Indian Oil Corporation Limited in this regard.

6. Accordingly, the writ petition stands dismissed being devoid of merit.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.07.2023
Transmission Date	NA

