

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1447 of 2022

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Asha Kumari Wife of Ram Niwas Prasad Yadav and D/o Baleshvar Mochi
Resident of Masood Bigha, P.S. Barh, District- Patna also resident of Village -
Salempur, P.S. Barh, District- Patna.

... .. Petitioner/s

Versus

1. The Hindustan Petroleum Corporation Limited Through its Deputy General Manager, 6th Floor, Lok Nayak Jayprakash Bhawan, Dak Bunglow Chouraha, Patna.
2. The Deputy General Manager Hindustan Petroleum Corporation Limited, 6th Floor, Lok Nayak jayprakash Bhawan, Dak Bunglow Chouraha, Patna.
3. The Head of Regional Office, 6th Floor, Lok Nayak jayprakash Bhawan, Dak Bunglow Chouraha, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Bhardwaj, Advocate
For the Respondent(HPCL)	:	Mr. Rajeev Prakash, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 22-02-2023 Heard Mr. Ravi Bhardwaj, learned Counsel

appearing on behalf of the petitioner and Mr. Rajeev
Shekhar, learned Counsel appearing on behalf of the
State.

2. Mr. Ravi Bhardwaj, learned Counsel
appearing on behalf of the petitioner informed this
Court that he has received instruction from his client
and he is willing to fulfill the requisite criteria required
for establishment of a retail outlet, 2.60 decimal more
than shortage of land as inspected by the team of the Oil



Company and in this view of the fact he seeks to file a detailed representation before the Deputy General Manager (retail), Patna, Hindustan Petroleum Corporation Limited, Regional Office, Patna.

3. Mr. Rajeev Shekhar, learned Counsel appearing on behalf of the Oil Company submitted that as on date pursuant to the advertisement dated 25.11.2018, the RO dealership between KM stone 226 and 230 on LHS of NH 30 towards Bakhtiyarpur, District- Patna has not been allotted to the anyone. The petitioner being the sole applicant, the said site is still has not been allotted to anyone in absence of any other applicant.

4. Considering the fact that the petitioner is sole applicant and a few decimal of land is less than the dimension as mentioned in the advertisement that is 44.49 decimals while the petitioner has offered land measuring 41.89 decimal and the petitioner has agreed to fulfill the said criteria in terms of the advertisement and in support he has agreed to produce relevant



revenue records as well as any lease or agreement/sale deed with respect to remaining area for consideration of his candidature.

5. The petitioner is directed to file a detailed representation within a period of two weeks with all the supporting documents.

6. The Respondent No.2- The Deputy General Manager Hindustan Petroleum Corporation Limited, Patna, is directed to consider the representation of the petitioner taking into the fact that the petitioner is the sole applicant and no third party right has been created till date. The said site is still vacant and no subsequent advertisement has also been published for the said site. If the authority finds it proper that the petitioner has fulfilled all the criteria as per the requirement of the advertisement in that case they may grant dealership to the petitioner in the said area in the interest of public at large.

7. In case the petitioner does not deserve to be allotted, the application of the petitioner is required to



be rejected by passing a reasoned order after affording due opportunity of hearing to the petitioner in accordance with law.

8. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-
Nilmani/-

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