

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4795 of 2023

Chanda Devi Wife of Sanjay Kumar, Resident of Village- Kiratpur Rjaram,
P.O. and P.S. Bhagwanpur, District- Vaishali- 844114, presently proprietor of
Shubnam Fuels situated at Bhagwanpur (Kiratpur Rajaram).

... .. Petitioner/s

Versus

1. M/S India Oil Corporation Limited through its Chairman Cum Managing Director having its registered office at Indian Oil Bhawan, G-9, Ali Yavar Jung Marg, Bandra (East) Mumbai- 400051
2. The Executive Director, India Oil Corporation Limited, Bihar State Office, 5th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna- 800001.
3. The General Manager (Retail Sales), India Oil Corporation Limited, Bihar State Office, 5th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna- 800001.
4. The Chief Divisional Retail Sales Manager (CDRSM), India Oil Corporation Limited, Patna Divisional Office, 3rd Floor, Block- A, Mauryalok Complex, Dak Bunglow Road, Patna- 800001.
5. The State of Bihar through District Magistrate, Vaishali at Hajipur.
6. Lal Muni Devi W/o Raj Deo Rai, Resident of Village- Kiratpur Rajaram, P.O. and P.S. Bhagwanpur, District- Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Gupta, Advocate
For the Respondent/s : Mr. Arvind Ujjwal (Standing Counsel-4)
Mr. Ankit Katriar, Advcoate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-04-2023 The present writ petition has been filed
seeking the following relief:-

“(1)(i) For issuance of an appropriate writ/s, order/s, direction/s to the authorities of the Respondent Corporation to grant permission to the petitioner for the re-sitement of the existing Retail



Outlet to another surrounding area which is both feasible and viable for the retail outlet in view of the fact that the lease deed bearing No. 4466 dated 31.07.2002 executed by the husband of the Respondent No. 6 on the basis of Power of Attorney, for the period of 20 years from the date of construction of boundary wall has expired and further the husband of the Respondent No. 6 is not willing to either renew the lease deed or extend the period of lease in any manner and on the other hand she with the help of her husband and local miscreants are creating obstruction and all kinds of hindrances in running the retail outlet smoothly at the existing site.

(ii)For issuance of an appropriate writ/s, order/s, direction/s restraining the Respondent No. 6 from creating any hindrance on the existing site of the Retail Outlet till the process of re-sitement is complete and the land is de-leased and handed over to the Respondent No. 6 by the Respondent Corporation.

(iii)For issuance of an appropriate writ/s, order/s, direction's to the Respondent No. 5 for ensuring the safety of the petitioner and her family members and also



ensuring the smooth running of the existing retail outlet without creating any kind of obstruction or hindrance by the Respondent No. 6 with the help of the local miscreants."

At the outset, the learned counsel for the petitioner submits that the petitioner has already filed representations before the respondent-Corporation which are annexed as Annexure-7 to 9 to the present writ petition, hence the same be directed to the disposed off by a reasoned and a speaking order, in accordance with law.

The learned counsel appearing for the respondent-Corporation submits that the aforesaid representations of the petitioner shall be disposed off within a stipulated time frame, as fixed by this Court.

Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the respondent-Corporation to dispose off the aforesaid representations of the petitioner by passing a reasoned and a speaking order, in accordance with law within a period of two weeks from today.



At this juncture, the learned counsel for the petitioner submits that the petitioner be also granted liberty to approach the appropriate forum/Court for redressal of her aforesaid grievances regarding illegal eviction from the premises in question. Liberty so sought is granted.

It is needless to state that for a period of two weeks from today, status quo existing as on today qua the petrol pump of the petitioner shall be maintained in order to enable the petitioner to avail appropriate remedies as are otherwise available under the law.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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