

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12489 of 2019

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Shashank Deo Narayan Singh Son of late Shridhar Deo Narayan Singh,
Resident of Village- Bala, P.S. Basantpur, District- Siwan.

... .. Petitioner/s

Versus

1. Bharat Petroleum Corporation Limited Bharat Bhawan, Plot No. 31, Prince Gulam Mohammad Shah Road, Golf Green, P.S. Lal Bazar, District-Kolkata(W.B.), 700095 (Earlier known as Burmahshell oil Storage and Distributing Company of India Limited, Hong Kong House, 31, Dalhousie Square, Calcutta.
2. The Chairman-Cum-Managing Director, Bharat Petroleum Corporation Limited, Bharat Bhawan-II, Ist Floor, 4 and 6 Currimbhoy Road, Ballard Estate,P.S. Malad, District- Mumbai, Mumbai- 400001
3. The Regional Officer, Bharat Petroleum Corporation Limited, Ashiyana Chamber, 3rd Floor, Exhibition road, P.S. Gandhi Maidan, , District - Patna, Pin Code- 800001
4. The Marketing Officer, Bharat Petroleum Corporation Limited, Vill-Sherpur, Near Narayanpur Anant Railway Station, N.H. 28, P.O. MIC Bela, P.S. Bhagwanpur(Khebra), District- Muzaffarpur, Pin Code- 842005.
5. The State of Bihar through the Chief Secretary, Patna.
6. The District Magistrate, Saran at Chapra.
7. The Union of India through the Secretary Ministry of Petroleum and Natural Gas, New Delhi.
8. The Joint Chief Controller of Explosive , A-Block, 5th Floor, CGO Complex, Seminary Hills, Department of Home Affairs, Nagpur(Maharastra)- 440006.
9. The Controller of Explosive, 4th Floor, F-Wing, Karpuri Thakur Sadan, Kendriya Karamchari Parisar(GPOA), Asiana -Digha Road, P.S. Rajeev Nagar, Digha District- Patna, District Home Affairs, Pin Code- 800025.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the U.O.I.	:	Ms. Kanak Verma, CGC
For the BPCL	:	Mr. Siddhartha Prasad, Advocate
		Mr. Om Prakash Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 24-02-2023



Heard learned counsels for the parties.

2. In the instant petition, petitioner has prayed for following reliefs:-

"i. For issuance of an appropriate writ/s, order/s, writ/s in the nature of Mandamus to the respondent no. 1 & 2 to vacate the land of the petitioner which the corporation has taken on lease w.e.f. 01.11.1969 which was registered on 23.09.1970 and the same was terminated on 31.10.1994.

ii. For issuance of an appropriate writ/s, order/s, Direction/s to the respondent no. 1 & 2 to pay the rent ad-valorem to the market rate, since the price of the property where the petrol pump is situated on the land of the petitioner has gone sky-rocketed in the past years.

iii. For issuance of an appropriate writ/s, order/s, Direction/s to the respondent no. 6, District Magistrate, Saran to cancel the no objection certificate for running the petrol pump issued to the respondent no. 1 & 2 in the year 1970 and in absence of any valid lease how the NOC is operating and more so when the objection has been raised by the petitioner in this regard.

iv. For issuance of an appropriate writ/s, order/s, Direction/s to the concern court to dispose of the eviction suit no. 16/1996 (Computer No. 1430016/1996) pending in the court of Munsif - 1st at Chhapra for more than 23 years and the petitioner is suffering economic loss.

v. To pass such other order/orders as your Lordships may deem fit and proper in the facts and circumstances of this case."

3. *Prima facie*, petitioner has not made out a case in



respect of Prayer Nos. 1, 2 and 4 as those are not maintainable. He has remedy elsewhere. In so far as Prayer No. 3 is concerned he has not placed any material to show that he had approached the District Magistrate, Saran for cancellation of No Objection Certificate issued to the concerned firm to run the petrol pump on the subject land. In the absence of demand before the District Magistrate, Saran on behalf of petitioner question of issuing direction to the District Magistrate, Saran to cancel No Objection Certificate is not warranted. Hence, the petitioner has not made out a case.

4. Accordingly, the present petition stands dismissed reserving liberty to the petitioner to invoke remedy before appropriate forum.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

rakhi/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	01.03.2023
Transmission Date	N.A.

