

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21146 of 2019

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Poonam Kumari, Wife of Kumud Kumar, resident of Village and Post Office-
Kamrawan, Police Station- Dalsingh Sarai, District- Samastipur.

... .. Petitioner/s

Versus

1. The Indian Oil Corporation Limited through its Managing Director, Indian Oil Bhawan G-9, All Yavar Jung Marg, Bandra East, Mumbai, Maharashtra.
2. The Managing Director, Indian Oil Bhawan, G-9, All Yavar Jung Marg, Bandra East, Mumbai, Maharashtra.
3. The Head of Divisional Office, Begusarai Divisional Office Indian Oil Corporation Limited (M.D.) , Near Barauni Refinery Police Station, District- Begusarai, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh, Sr. Advocate Mr. Dharmendra Kumar Singh, Advocate Mr. Ranvijay Narain Singh, Advocate Mr. Manish Kumar Singh, Advocate
For the Respondent/s	:	Mr. Ankit Katriar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-01-2023

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- (i) To issue an appropriate writ preferably in the nature of 'Certiorari' for setting aside the email notice dated 24.7.2019 sent to the petitioner by the respondent no.3 by which the



candidature of the petitioner for grant of Retail Outlet Dealership for the location No.931 "within 5 K.M. from Jattadih Chowk, Towards Daini Chowk on State Highway 88", District-Samastipur bearing application No. 15434782891067 has been declared to be found ineligible.

- (ii) To issue an appropriate writ preferably in the nature of 'Mandamus' commanding upon the respondent authorities to grant Retail Outlet for location No.931 "within 5 K.M. from Jattadih Chowk, Towards Daini Chowk on State Highway 88", District-Samastipur.
- (iii) To hold and declare that the petitioner fulfills criteria (v) Group-1 as laid down by the respondent authorities in their advertisement and brochure dated 24.11.2018.
- (iv) To grant any other relief(s) for which the petitioner is found entitled to in the facts and circumstances of the case.

The impugned email notice dated 24th of July, 2019 sent to the petitioner by Respondent No. 3, namely, the Head of Divisional Office, Begusarai Divisional Office, Indian Oil Corporation Limited (M.D.), Near Barauni Refinery Police Station, District- Begusarai, Bihar (Annexure-7, Page- 109), to our mind, needs to be quashed for the reason that it does not assign any reason for cancelling the petitioner's application. Also, opportunity of hearing was not



afforded, resulting into consequences, both penal and civil in nature.

The said email notice, in toto, is extracted hereinunder:-



For the aforesaid reasons, we quash and set aside the impugned email notice dated 24th of July, 2019 sent to the petitioner by Respondent No. 3, namely, the Head of Divisional Office, Begusarai Divisional Office, Indian Oil Corporation Limited (M.D.),



Near Barauni Refinery Police Station, District- Begusarai, Bihar (Annexure-7, Page- 109) with further mutually agreeable and acceptable terms- (a) Petitioner shall make himself available in the office of Respondent No. 3, namely, The Head of Divisional Office, Begusarai Divisional Office Indian Oil Corporation Limited (M.D.) , Near Barauni Refinery Police Station, District- Begusarai, Bihar on 11th of January, 2023, on which date he shall place on record entire material in support of the objections raised by the respondents in processing the petitioner's application for allotment of the retail outlet; (b) Petitioner shall fully cooperate in the proceedings; (c) After affording opportunity of hearing to the petitioner, fresh order, assigning reasons, shall be passed by the authority concerned within a period of two weeks from the date of appearance of the petitioner; (d) The order assigning reasons shall be communicated to the petitioner; (e) Liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law; (f) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch; (g) Also, liberty reserved to the petitioner to approach the Court, should the need so arise subsequently on the same and subsequent cause of action.

The petition stands disposed of in the aforesaid terms.



Interlocutory Application(s), if any, shall stand disposed
of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	04.01.2023
Transmission Date	

