

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18168 of 2022

Vishal Kumar S/o Baldeo Singh, Resident of Village- Newaji Tola, P.O. Gurukul Mehiya, Purbari Telpa, P.S.- Chapra Mufassil, District- Saran, Pin- 841302.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Road Construction Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
3. Engineer-in-Chief, Road Construction Department, Government of Bihar, Patna.
4. Chief Engineer, North Road Construction Department, Bihar, Patna.
5. The Superintending Engineer, Road Construction Department Road Circle, Hazipur.
6. The Executive Engineer, Road Construction Department, Road Division, Chapra.
7. Chairman-cum-Managing Director, Hindustan Petroleum Corporation Limited, Bharat Bhavan, 4 and 6, Currimbhoy Road, Ballard Estate, Post Box No. 688, Mumbai, Pin - 400001.
8. Territory Manager (Retail), Bharat Petroleum Corporation Limited (BPCL), Muzaffarpur POL Depot. Village- Sherpur, NH-28, Near- Narayanpur, Anant Railway Station- P.O.- MIC Bela, District- Muzaffarpur, Pin- 842005.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shambhu Nath, Advocate Mr. Aishwarya Singh, Advocate
For the State	:	Mr. Ravi Bhardwaj, Advocate
For BPCL	:	Mr. Sanjay Singh, Sr. Advocate Mr. Rudransh Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 14-02-2023 Heard Mr. Shambhu Nath, assisted by Mr. Aishwarya Singh learned counsel appearing on behalf of the petitioner; Mr. Sanjay Kumar, learned counsel assisted by Mr. Rudransh Singh, learned counsel appearing on behalf of BPCL and Mr. Ravi Bhardway, learned counsel appearing on behalf of



the State.

2. Learned counsel appearing on behalf of the petitioner referring to Annexure-11 Memo No. 1284 dated 15.06.2022 issued to the Chief Engineer, North, Road Construction Department, Patna submits that as per the specification prevalent for establishing a retail outlet 'No Objection Certificate' has been denied on the ground that land provided by the petitioner measures 20m x 20m and not as per the Morth which requires 35m x 35m. He further submitted that land was provided as per the advertisement and then only the Chief Engineer, North, Road Construction Department, Patna had conducted spot verification and had found suitable for retail outlet of Bharat Petroleum Corporation Ltd. only after measurement of the plot offered by the petitioner appertaining to Khata No. 64, 653 Khesra No. 1578, 1579 and 1580 Mouja-Mauna, Thana-Muffasil, District Saran at Chapra. He further referred to the Annexure-1, the advertisement dated 25.11.2018 which was published for opening a retail dealership outlet in the District of Saran in which the Item No. 6, 7 and 9 relates to site for which the petitioner has offered his land, which is 2 kms. from Chapra, Bazar Samiti and on arterial roads. The internal communication made by the Chief Engineer, North, Road



Construction Department is devoid of any reference of the said criteria which has been mentioned in the advertisement dated 25.11.2018. He further informed this Court that the Chief Engineer, North, Road Construction Department, Patna has taken into consideration the prevailing brochure of Indian Road Congress Morth applicable in the year 2013. The said circular has no statutory force.

3. Mr. Sanjay Singh, learned senior counsel appearing on behalf of the Oil Company has taken this Court to Annexure-4 in support of relief sought by the petitioner. He informs that the the Territorial Manager, Retail, Muzaffarpur has already made communication to the District Magistrate, Saran for approval of the proposal in favour of the petitioner and for grant of 'No Objection Certificate'(NOC) by the District Magistrate, Saran at the Chapra.

4. Considering the submission made on behalf of the rival parties, in the interest of justice, the petitioner is directed to file a detailed representation along with Morth applicable for the advertisement of retail outlet issued on 25.11.2018, with respect to the size of the land particularly with respect to Item Nos. 6, 7 and 9 which prescribe for 2 km from Chapra Bazar Samiti on all arterial roads.



5. The Chief Engineer, North, Road Construction Department, Patna is directed to issue 'No Objection Certificate' after considering the size of the plot as prescribed by the IRC, Morth, relevant for the year 2018 applicable in the case of the petitioner, who has applied as per advertisement of the year 2018.

6. With the above observations and directions, the present writ petition is disposed of.

(Purnendu Singh, J)

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