

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1991 of 2023

Manoj Thkai Paswan @ Manoj Thakai Paswan, S/o Thakai Paswan, Resident of H. No. 37, Village- Atarauli, P.O.- Dhakjari, PS- Arer, District- Madhubani, Bihar, 847223, Presently residing at Sant Rohidas Chawi Hutment Box No. 3, Aarey Road, near Santoshi Mata Mandir, Modern Bekary, Gautam Nagar, Aarey Colony, Mumbai, Aareymilk Colony, Mumbai, Maharashtra- 4000065.

... .. Petitioner/s

Versus

1. M/s Hindustan Petroleum Corporation Limited through its Chairman and Managing Director, 17, Jamshedji Tata Road, Mumbai- 400020.
2. The Chairman and Managing Director, Hindustan Petroleum Corporation Limited, 17, Jamshedji Tata Road, Mumbai- 400020.
3. The General Manager, Retail, Hindustan Petroleum Corporation Ltd. (North Central Zone), Plot No. 1, Nehru Enclave, Gomti Nagar, Lucknow-226010.
4. Head of Regional Office, Begusarai Retail Regional Office, Hindustan Petroleum Corporation Limited, Har Har Mahadev Chowk, 2nd Floor, Raghunath Palace, G.S. Motor, Maruti Show Room Building, Begusarai, Bihar-851101.
5. The District Magistrate, Madhubani, Madhubani Collectorate, Madhubani, Bihar.
6. Naveen Kumar, Son of Shiv Kumar Paswan, Resident of Village- Navhat, P.O- Lohat, P.S.- Pandaul, District- Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ratnesh Kumar Singh, Adv
For the Respondent/s	:	Mr. S. Raza Ahmad (AAG 5)
For the Resp. No. 6		Mr. Gagan Deo Yadav, Adv.
		Mr. Vinod Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

14 09-05-2024

Head learned counsel for the parties.

2. The present writ petition has been filed for the

following relief(s):-

"1. To quash the selection and appointment of Respondent No. 6 for the Retail Outlet Dealership at location "3 KM from Sarhad Chowk to Rampatti, Mauza- Navhat, east to Daita Chock, District- Madhubani" made by the Respondent Hindustan Petroleum Corporation



Limited against the advertisement dated 25-11-2018 published at Serial No. 641 under SC category, as the same has been done in violation of the terms and conditions of selection prescribed in the Brochure of selection for award of Retail Outlet Dealership.

II. To direct the Respondent Corporation to produce the Letter of Intent issued in favour of Respondent No.6, and to quash the said Letter of Intent issued in relation to establishment of Retail Outlet Dealership at location "3 KM from Sarhad Chowk to Rampatti, Mauza- Navhat, east to Daita Chock, District- Madhubani", as the same has been issued in violation of the terms & conditions of Brochure for the selection.

III. To direct the Respondent No. 1 to 4 to hold Draw of Lots among all the applicants applied under Group 1 and Group 2 including the Petitioner, who have subsequently put under Group 3 on account of rejection of their land offered in the application form, together with the applicants applied under Group 3, as per the procedure prescribed in Selection Brochure.

IV. To direct the Respondent No. 5 to make enquiry with respect to land of Khata No. 1 Plot No. 2338 (Old) / Khata No. 319 Plot No. 2344, 2345 (New) situated in Mauza- Navhat, Pargana-Hati, Thana- Pandaul, District-Madhubani, which is proposed by Respondent No. 6 for establishment of Petrol Pump between Sarhad Chowk to Rampatti, Mauza- Navhat, east to Daita Chock, District- Madhubani, contrary to the norms of I.R.C.-12 adopted by the Government of Bihar for establishment of Petrol Pump/Fuel Station, therefore, not liable for grant of NOC by the district authority on account of the existence of Intersection with Rural Road within the prescribed minimum



distance of 100 meters from proposed site.

V. To direct the Respondent No. 4 to consider the representation/ complaint of Petitioner [Annexure- 9 & 10] made against the selection and appointment of Respondent No. 6 for Retail Outlet Dealership at the location under reference, and direct the Respondent No. 5 to consider the representations of Petitioner [Annexure-12] made against the establishment of Petrol Pump over proposed site.”

3. Learned counsel appearing on behalf of the petitioner has stated that though the land offered by the Respondent No. 6 was not found suitable, the authorities on one pretext on the other have not passed necessary orders for cancellation of the Letter of Intent (LOI) issued to the Respondent No. 6. Learned counsel has stated that the District Magistrate has refused to give the “NOC” and rejected the application for issuance of “NOC” vide order dated 12.05.2023 (Annexure 15 of the reply to the counter affidavit). Thereafter the Respondent No. 6 was issued letter dated 31.07.2023 (Annexure R/4 H of the supplementary counter affidavit) directing him to offer alternate land within a period of six months. However, the Respondent No. 6 has not given reply to the above letter for offering any other alternate land. Thereafter, respondent authorities have issued show cause notice dated 02.02.2024 to the Respondent No. 6, calling for an explanation



as to why the Letter of Intent (LOI) issued in favour of the Respondent No. 6 should not be cancelled. That the authorities except issuing the show cause notice have not passed any order till date. Further learned counsel has stated that the authorities in violation of the guidelines issued by the corporation for selection of the candidates are not taking any action against the Respondent No. 6 or cancelling the LOI issued to the Respondent No. 6. Learned counsel has therefore sought a direction from this Hon'ble Court to direct the respondents-Corporation to pass necessary orders pursuant to the show cause notice dated 02.02.2024 in accordance with law within a fixed time framed.

4. Learned counsel appearing on behalf of the respondents-corporation has stated that he has no objection if a direction is issued to the corporation for passing orders in accordance with law pursuant to the show cause notice dated 02.02.2024 (Annexure R/4 I of the supplementary counter affidavit) by fixing a time framed.

5. Having regard to the above made submissions, the present writ petition is disposed of directing the respondents-corporation to pass necessary orders pursuant to the show cause notice dated 02.02.2024 issued to the Respondent No. 6. The



Respondents-Corporation shall take into consideration the fact that the guidelines issued by the Corporation itself, it is clearly stated that in case the original land offered is found unsuitable then an opportunity would be given to the LOI holders for providing alternate land within 90 days from the date of issuance of LOI. The entire exercise shall be completed as expeditiously as possible preferably within a period of four weeks from today. In case the LOI issued to the Respondent No. 6 is cancelled, the authorities shall take necessary steps for selecting the next suitable candidate as per the procedural enumerated in the said guidelines.

6. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

Bhardwaj/-

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