

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9781 of 2015

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Alok Kumar son of Chandra Bhushan Singh @ C. B. Singh resident of
Officer Colony, P.O. - Bara Chakia, District - East Champaran
... Petitioner

Versus

1. The Union Of India
 2. The Indian Oil Corporation Ltd. through its Chairman, Mumbai.
 3. The General Manager, Bihar State Office, Indian Oil Corporation Ltd
Marketing Division Lok Nayak Jai Prakash Bhawan, 5th Floor, Dak
Bungalow Chowk, Patna - 800001.
 4. The Dy. General Manager Retail Sales, Bihar State Office, Lok Nayak Jai
Prakash Bhawan, Dak Bungalow Chowk, Patna
 5. The Senior Divisional Manager Retail Sales, Muzaffarpur Division, Krishna
Complex, Akharaghat Road, Muzaffarpur
 6. The Deputy Manager Retail Sales, Indian Oil Corporation Ltd. Marketing
Division, Motihari, Sales Area, Muzaffarpur Division Office, Muzaffarpur
... Respondents
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Appearance :

For the Petitioner	:	Mr.Nagendra Kumar Singh, Adv.
For the IOCL	:	Mr. K.D. Chatterji, Sr. Adv. with Mr. Amlesh Kumar Verma, Adv.

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

10 10-01-2024 Heard the parties.

2. The present writ petition has been filed for the
following relief(s) :

*(i) For the issuance of an appropriate writ in the
nature of certiorari for quashing the order dated
29.12.2014 contained in Ref. BSO/RS/KSK/ 680 of
Dy. General Manager (Retail Sales), respondent no. 4
(Annexure-10) whereby and whereunder the
candidature of the petitioner for subject K. S. K.
Dealership at Ahiraulia, District-East Champaran,
has been cancelled on the ground of the pendency of
Litigation and Injunction order passed in Suit as well*



as on the ground of invalidity of lease itself.

(ii) For further direction to the respondents Indian Oil Corporation Ltd. hereinafter referred to as IOCL to award the Kisan Seva Kendra Retail outlet of M/S. I. O. C. L. Ltd. at Location Ahiraulia, District - East Champaran in favour of the petitioner.

(iii) For further direction to the respondents to dispose of the representation filed by the petitioner on 20 01 2015 with reasoned and speaking order.

(iv) For further direction restraining the respondents from advertising the subject Location during pendency of the present writ.

(v) For any other relief or reliefs for which the petitioner found entitled to in the facts and circumstances of the case.

3. Learned counsel for the petitioner has stated that pursuant to the advertisement given for allotment of Kisan Seva Kendra retail outlet of the Respondent-Corporation at location Ahiraulia, East Champaran, under the category open, the petitioner has submitted his application form along with the requisite documents. That the Scrutiny Committee after being satisfied has issued interview letter to the petitioner to appear before the Selection Committee, thereafter, the result of the interview was displayed and the petitioner was shown at serial no. 2 and one Arvind Kumar Gupta was shown at serial no. 1 in



the merit list. That subsequently it was found that the land shown by the said Arvind Kumar Gupta shown at serial no. 1 of the merit list did not have a clear marketable title and to the effect the petitioner has filed his objections before the General Manager, Indian Oil Corporation Limited. That after coming to the conclusion that the land offered by the said Arvind Kumar Gupta, did not have a clear marketable title, the authorities have cancelled the candidature of Arvind Kumar Gupta and choose to proceed with the petitioner. Thereafter, the authorities have called for a measurement report from the Circle Officer, Chakiya, East Champaran, and a report containing the present status of the land offered by the petitioner including measurement was forwarded by the Circle Officer vide Letter No. 134, dated 10.02.2014. However, the respondents-authorities did not take any action on the said report and the petitioner was constrained to make a complaint to the higher authorities. Though the authorities without any prior notice or giving any valid reason have cancelled the candidature of the petitioner vide order, dated 16.07.2014, which is impugned in the present Writ Petition. That the reason given for cancelling the candidature of the petitioner is that the land offered by the petitioner does not have clear marketable title and is the subject



matter of Title Suit No. 107 of 1994 pending in the Court of Munsif, Sadar, Motihari. Learned counsel has stated that the land offered by the petitioner is having a clear and marketable title and is not involved in any litigation, therefore, the decision of the authorities to cancel the candidature of the petitioner is without any legal basis and, therefore, prayed this Hon'ble Court to allow the present Writ Petition and direct the authorities to grant the dealership in favour of the petitioner.

4. Per contra the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present writ petition. Learned counsel for the respondents-authorities has stated that the authorities duly taking into consideration the fact that there is a cloud on the title of the petitioner and a title suit pending in respect of the very same subject property has decided to cancel the candidature of the petitioner. That in case any adverse orders are passed in the title suit pending before the Civil Court there will be grave financial consequences for the Corporation. Further, the present Writ Petition is also liable to be dismissed on the ground of delay. It is also stated by the counsel that the Corporation has already re-advertised the location and a third party interest has already been created, as there was no stay granted by this



Hon'ble Court. Learned counsel for the respondents has relied on the judgment of this Hon'ble Court in the case of **Guriya Kumari Vrs. Indian Oil Corporation & Ors.** reported in **2022(1) PLJR, 325**. Further, it is stated that the petitioner has offered the subject property on the basis of lease deed, which is not valid under the terms and conditions of the contract.

5. Admittedly, in the present case even though the petitioner has filed the CWJC in the year 2015, no stay has been granted by this Court. The petitioner has also not denied the fact that a third party interest has also been created and no steps have been taken by the petitioner to implead the said third party in whose favour the Corporation has already issued the dealership. Even though the petitioner has tried to impress upon this Court that the title suit bearing Title Suit No. 107 of 1994 is not pertaining to the subject property, this Court is not inclined to go into the same as these are all disputed questions of fact. The Corporation in its wisdom has taken decision after obtaining necessary legal opinion from the Law Department and cancelled the candidature of the petitioner. Admittedly, as on the date of cancellation of the candidature the dealership was not granted to the petitioner, therefore, he did not have any vested right to challenge the rejection of his candidature. More



over, the fact also remains that in respect of the above location third party interest has already been created and the petitioner has not taken any step to implead the said third party, therefore, at this point of time this Court is not inclined to grant the relief sought for by the petitioner.

6. With the above directions, the Writ Petition is, accordingly, **dismissed**.

(A. Abhishek Reddy , J)

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