

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5337 of 2023

Vinod Kumar Son of Rambali Prasad alias Baliram Singh Resident of
Village- Umetaibigha, P.O- Serthua, Tehta, P.S.- Makhadampur, District-
Jehanabad, Bihar Pin Code- 804427

... .. Petitioner/s

Versus

1. M/S Hindustan Petroleum Corporation Limited, a company incorporated under the Companies Act having its registered office at Jamshedjee Tata Road, Mumbai- 400020 through its Managing Director.
2. The Managing Director, M/S Hindustan Petroleum Corporation Limited, a company incorporated under the Companies Act having its registered office at Jamshedjee Tata Road, Mumbai- 400020.
3. Senior Regional Manager, Regional Office, M/S Hindustan Petroleum Corporation Limited, Lok Nayak Jay Prakash Bhawan, 6th Floor, Dak Bungalow Chowk, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra
For the Respondent/s : Mr. Rabindra Nath Kanth

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

Date : 29-08-2024

Heard the learned counsel for the parties.

The present writ petition has been filed for the following

reliefs:-

“1. That this is an application for issuance of a writ of certiorari for quashing the order dated 30.01.2023 passed by Deputy General Manager, Patna, Retail Region of Hindustan Petroleum Corporation Limited, Lok Nayak Jay Prakash Bhawan, 6th Floor, Dak Bungalow Chowk, Patna-1 whereby and whereunder the claim of the petitioner for allotment of retail outlet dealership has been rejected erroneously for the location between K.M. Store 64 and 66



N.H.-83, Jehanabad by-pass interalia the following

RELIEFS:-

i Reference 20.04.2019 No.- 15452083377501 issued Regional Manager, dated under Senior M/s Hindustan petroleum Corporation Limited be set aside whereby candidature and of whereunder petitioner the for allotment of retail outlet dealership being ineligible his name was deleted form Group-A to Group-C.

ii. Reference PAT/RET order dated 30.01.2023 issued by Deputy General Manager, Patna Retail Region Hindustan Petroleum Corporation Limited, Lok Nayak Jay Prakash Bhawan, 6th Floor, Dak Bunglow Chowk, Patna-1 be set aside whereby and whereunder the claim of the petitioner for allotment of Retail outlet dealership on Khata No.- 43, Plot No.-378/379, Serial No.-32 between KM Stone 64 and 66 on N.H.- 83, Jehanabad Bypass has been erroneously rejected.

iii. Respondent authorities be directed to consider for allotment of retail outlet dealership for the said place.”

3. It is the case of the petitioner that pursuant to the advertisement published by the respondent-Corporation, the petitioner has applied for issuance of the Retail Outlet (RO) dealership. The advertisement was meant for the location between K.M Stone 64 & 66 National Highway-83, Jehanabad by-pass under the open category.



4. Learned counsel for the petitioner has stated that the petitioner has fulfilled all the requirements and after scrutiny of the application submitted by the petitioner, he was informed vide letter dated 11.01.2019 to remit Rs. 50,000/- as initial security deposit in favour of the respondent-Corporation together with some documents, which the petitioner has complied. Thereafter, with a view to evaluate the land offered by the petitioner, the Land Evaluation Committee has visited the site on 10.04.2019. Learned counsel has stated that thereafter, the application was rejected based on the report of the Land Evaluation Committee and the name of the petitioner was deleted from the Group A & Group C. Learned counsel has stated that the Land Evaluation Committee submitted a wrong report stating that the land of the petitioner is outside the area of the advertised land. That the Land Evaluation Committee without following any scientific method has come to the conclusion that the land offered by the petitioner is falling outside the advertised area. Further, it is stated that in case the Land Evaluation Committee is directed to resurvey the land with the help of the latest survey tools like google maps, GPS and other survey equipment then the exact position of the site will be located, which will reveal that it falls within the advertised area. Learned counsel has therefore, prayed this Hon'ble Court to set



aside the impugned order and remand the matter back to the authorities concerned for conducting a fresh survey and evaluating the site of the petitioner.

5. *Per contra*, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present writ petition and stated that once the Land Evaluation Committee has given a report stating that the land offered by the petitioner is falling outside the advertised area, the question of further processing the application of the petitioner for the purpose of allotting dealership does not arise. Learned counsel has drawn the attention of the Court to the report submitted by the Land Evaluation Committee to contend that the distance between the advertised area and the land offered by the petitioner is more than half a kilometer away and, therefore, the application of the petitioner cannot be considered for grant of RO dealership. Learned counsel has therefore, prayed this Hon'ble Court to dismiss the present writ petition.

6. A perusal of the documents more particularly, the report submitted by the Land Evaluation Committee and the map annexed to the said report (Annexure-R/1) reveals that the site of the petitioner is at distance of approximately 0.5 kilometer away from the advertised area. Admittedly, the report is prepared by the



Committee of three members who are having the necessary experience to survey and locate the land. Once, it is brought to the notice of the Court that the site inspection report is prepared in accordance with the procedure as contemplated under the Act and a finding of fact has been given, this Court will not normally interfere in such matters. The finding of fact stating that the land offered by the petitioner is at distance of more than 0.5 kilometers away from the advertised area has been given by an expert committee cannot substitute its wisdom or call for another report in the absence of any cogent and convincing evidence to the contrary. This Court sitting under Article 226 of the Constitution of India cannot interfere with the said findings of fact.

7. The Court does not find any merit in the present writ petition which warrants any interference accordingly, the present writ petition stands dismissed.

(A. Abhishek Reddy, J)

Ayush/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.09.2024.
Transmission Date	NA

