

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5633 of 2023

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1. Ashok Kumar, aged about 59 years, Male, S/O Late Bindeshwari Prasad Sinha, resident of Mohalla- Baluahi, Ward No.- 24, P.O.- Mukhya Dakghar, P.S. - Khagaria, District- Khagaria, Bihar-851204
 2. Tripti Rani @ Triptee Rani, aged about 53 years, Female, W/O Sunil Kumar Singh, D/O Late Bindeshwari Prasad Sinha, resident of Mohalla- Adarsh Nagar, P.O.and P.S.- Sultanganj, District- Bhagalpur, Bihar- 813213.

... .. Petitioner/s

Versus

1. M/s Bharat Petroleum Corporation Ltd. through its Chairman-cum-Managing Director, Bharat Bhawan, 4 and 6 Currimbhoy Road, Ballard Estate, Mumbai 400001..
2. The State Head (LPG) Bihar, Bharat Petroleum Corporation Ltd, Patna LPG Territory and Bottling Plant, Fatuha Industrial Area, Mouza- Raipura, P.O. and P.S.-Fatuha, District.- Patna, Bihar-803201
3. The Territory Manager (LPG), Muzaffarpur, Bharat Petroleum Corporation Ltd, Muzaffarpur L.P.G. Territory, Narayanpur, Near Anant Railway Station, Village- Sherpur, P.O.-MIC Bela, District.- Muzaffarpur, Bihar- 842005.
4. Rajeev Prasad Singh Ranjan, S/O Late Bindeshwari Prasad Sinha, resident of Flat No. 104A, Maa Shanti Vihar Apartment, Priyadarshi Nagar, Rupaspur, Bailey Road, District- Patna, Bihar- 801503.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rabindra Nath Kanth, Adv.
For the Respondent/s : Mr. Siddhartha Prasad, Adv. with
Mr. Om Prakash Kumar, Adv.
For the Respondent No 4: Mr. Pawan Chaudhary, Adv.

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

12 09-05-2024

Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the following reliefs:-

“(i) To direct the Respondent Bharat Petroleum Corporation Ltd. to allow the Reconstitute of LPG Distributorship of M/s Tara Bharatgas



Agency, Khagaria, by including the petitioners as partner in the distributorship, on account of demise of their father Bindeshwari Prasad Sinha who was the sole proprietor of M/s Tara Bharatgas Agency, Khagaria.

(ii) To direct the respondent Bharat Petroleum Corporation Ltd. to recall the order contained in letter issued by Respondent No. 3 vide Ref. LPG ER.MUZP.TARA. 2022-23 dated 01.12.2023 by which LPG Distributorship of M/s Tara Bharatgas Agency, Khagaria, has been suspended with the transfer of customers to the nearby distributorship.

(iii) To direct the respondent Bharat Petroleum Corporation Ltd. to restore the customers attached with the LPG distributorship of M/s Tara Bharatgas Agency, Khagaria and to resume the supplies and sale of LPG cylinders from the aforesaid LPG distributorship.”

3. The admitted facts of the case are that the father of the petitioners and the Respondent No. 4, namely, Bindeshwari Prasad Sinha was appointed as a dealer of the retail outlet of the Bharat Petroleum Corporation Ltd. (hereinafter referred to as ‘The BPCL’) under the freedom fighter quota. Bindeshwari Prasad Sinha died on 27.12.2016 and the distributorship was temporarily issued in the name of his wife, namely, Smt. Chandra Tara Devi on 30.12.2016. The said interim arrangement continued till the death of Smt. Chandra Tara Devi, who died on 25.08.2019. After the death of the mother of the petitioners and



the Respondent No. 4, the petitioners have filed an application before the Respondent-BPCL for reconstitution of the firm in their name, however, the same is kept pending by the authority concerned on the ground that No Objection Certificate (NOC) of the Respondent No. 4 has not been submitted. The petitioners aggrieved by the inaction of the Respondent-BPCL have filed the present writ petition.

4. This Hon'ble Court vide order dated 27.04.2023 taking into consideration that the dispute is inter-se between the legal heirs of the original dealer has directed the parties to be present before the Mediation Cell for amicable settlement. However, it appears that the efforts of the Mediation Cell have failed. That on 18.03.2024 this Court had directed the counsel for the Respondent-BPCL as to whether the Respondent-Corporation is willing to consider the claim of the legal heirs of the original dealer. The learned counsel for the Corporation has stated that in case, a joint application is filed by all the three legal heirs of the deceased (Bindeshwari Prasad Sinha and his wife Smt. Chandra Tara Devi) through online mode, the Corporation will consider the same. Today, when the matter is listed, it is stated that the Petitioner Nos. 1 & 2 have filed an affidavit stating that they are willing to file a joint application



along with the Respondent No. 4. However the learned counsel for the Respondent No. 4 has stated that the petitioners have till date not approached him and in case, the petitioners approaches him personally, he is ready to apply jointly along with the petitioners. Further the learned counsel for the Respondent No. 4 has stated that the Petitioner No. 1 (Ashok Kumar), who is his brother has deliberately made the Petitioner No. 2 (Tripti Rani @ Triptee Rani), who is their sister as a party to the proceedings only to defeat his rightful claim of 50% in the dealership.

5. There appears to be no consent among the legal heirs to settle the inter-se dispute amicably. This Court sitting under the Act of 226 of the Constitution of India cannot adjudicate that inter-se dispute between the parties and declare the shares of the legal heirs, it is only the competent civil court that has the necessary jurisdiction to decide the legitimate share of the legal heirs in a partition suit.

6. Having regard to the above, this Court is of the opinion that the ends of justice would be met if the present writ petition is disposed of directing the Respondent-BPCL authorities to consider the application made for reconstitution by the petitioners and the Respondent No. 4, if any, and pass necessary orders on its own merits strictly in accordance with



law. The above exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of receipt of this order.

7. With the above observation, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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