

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10562 of 2019

Ashish Kumar Singh Son of Dinesh Kumar Singh Resident of Village-
Hansdih, Police Station- Jamui, District- Jamui, presently residing at
Mohalla- Jai Prakash Nagar, Lane No.6, Post Office and Police Station and
District- Dhanbad.

... .. Petitioner/s

Versus

1. Bharat Petroleum Corporation Ltd. through its Chief Managing Director(C.M.D.) having its office Bharat Bhawan, 4 and 6 Currimbhoy Road, Ballard, Mumbai- 400001.
2. The Senior Manager, Bharat Petroleum Corporation Ltd., Ashiana Chamber, 3rd Floor, Exhibition Road, Patna- 1.
3. The Territory Manager B.P.C.L., Barauni (Retail) Territory, Begusarai.
4. The State of Bihar through the District Magistrate, Jamui.
5. Mrs. Ismat Fatwa, Wife of Md. Nisar Ahmad Ansari Proprietor of M/s Sahi Petrol Supply Company, at atithi Palace More, Nimrang, Post Office and District- Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Adv.
For BPCL	:	Mr. Siddhartha Prasad, Adv.
	:	Mr. Om Prakash Kumar, Adv.
For the Respondent/s	:	Mr. Arvind Ujjwal (Sc4)

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

7 16-01-2024 Heard the learned counsel for the parties.

2. Even though notices have been issued to the respondent No. 5, the respondent No. 5 has not bothered to enter appearance therefore, the respondent No. 5 is set ex-parte.

3. The present writ petition has been filed for the following reliefs:-

“(i) A writ in the nature of mandamus commanding and directing upon the respondent No. 3 to take final decision on the complaint made by petitioner with



regard to grant of license of Petrol Pump to the Private Respondent No. 5 on the basis of forged and fabricated documents with regard to personal lands of petitioner without his consent or execution of any agreement in favour of Private Respondent No. 5 for utilising the lands for running Petrol Pump.11)

(ii) For a Respondent Corporation B.P.C.L. only) direction Bharat Ltd. to upon the Petroleum (hereinafter cancel the license of Petrol Pump provided to the Private Respondent on the basis of forged and fabricated documents with regard to lands of petitioner for which he had never agreed and no any agreement has been executed by petitioner in this regard.

(iii) For a direction upon the Respondent concerned to provide adequate compensation to the petitioner for damaging the lands by using unnecessary installation of fuel tank and other; in absence of petitioner as petitioner is residing at Dhanbad whereas he is permanent resident of Jamui District.

(iv) Any other order/orders for granting any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of the case.”

4. Learned counsel for the petitioner has stated that the respondent No. 5 pursuant to the advertisement issued by the Corporation has applied for retail petrol outlet in the land of the petitioner based on some forged documents. That the petitioner on coming to know about the fraud played by the respondent No. 5 has issued a letter to the Corporation vide letter dated



18.06.2018 REF: BNI.RO.SAHI. The respondent-Corporation in turn has given a reply stating that the matter is under investigation and they will take necessary action strictly in accordance. Learned counsel has stated that even though the said reply letter is of the year 2018, till date the authorities have not taken any action and are sitting over the matter. Learned counsel has therefore, prayed this Hon'ble Court to direct the authorities to take necessary action on the representation made by the petitioner and also direct the respondent-Corporation to take the matter to its logical conclusion by passing necessary orders.

5. *Per Contra*, the learned counsel appearing on behalf of the respondent-Corporation has stated that based on the documents submitted by the respondent No. 5, the authorities after due verification have issued the retail outlet license to the respondent No. 5. That, after receipt of the complaint from the petitioner, the respondent No. 5 as on date is not running the petrol pump and the same is closed. Learned counsel has stated that in case a direction is given by this Hon'ble Court, the authorities concerned shall pass necessary orders on the complaint given by the petitioner and to which reply was given by the authorities on 18.06.2018.



6. Having regard to the above made submissions, without going into merits or demerits of the case and duly taking into account that the authorities have issued a reply to the complaint made by the petitioner on 18.06.2018 stating that the matter is under investigation and appropriate action will be taken by the Corporation. The authorities are directed to complete the investigation and pass necessary orders strictly in accordance with law. It is made clear that the entire exercise shall be completed as expeditiously as possible preferably within a period of 12 weeks from the date of receipt of a copy of this order. It is needless to mention that before passing any order the petitioner as well as respondent No. 5 shall put on notice and given an opportunity of hearing. In case the respondent No. 5 does not appear in spite of notices being issued by the Corporation, the Corporation shall pass necessary orders within. Any order passed shall be communicated to all the parties.

7. With the above direction, the present writ petition stands disposed off.

(A. Abhishek Reddy, J)

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