

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8440 of 2020

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Mukesh Kumar, S/o Ramkrishna Yadav, resident of Belha, Chandaaur, P.S. -
Saur Bazar, District - Saharsa.

... .. Petitioner/s

Versus

1. Union of India through Secretary, Oil and natural gas, Govt. of India, New Delhi.
2. The Zonal Manager, India Oil Corporation Ltd, Eastern Region.
3. The Regional Manager, India Oil Corporation Ltd, Begusarai.
4. The Sr. Divisional Retail Sales Manager, Begusarai Division, Begusarai.
5. The Sr. Sales Officer, I.O.C.L, Begusarai.
6. The State of Bihar through the Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
7. The Under Secretary, Revenue and Land Reforms Deptt, Govt. of Bihar, Patna.
8. The District Magistrate, Saharsa.
9. The D.C.L.R., Sadar, Saharsa.
10. The Dy Collector come District Supply Officer, Saharsa.
11. The Sub Divisional Officer, Sadar, Saharsa.
12. The Circle Officer, Saur Bazar, Saharsa.
13. Niraj Kumar, S/o Ravindar Narayan Singh, R/o Koshi Colony, P.S. Saharsa, Dist.- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Santosh Kumar Singh
For the Respondent/s	:	Mr.Dr. K.N. Singh (Asg)
For I.O.C.	:	Mr. Ankit Katriar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 16-02-2024 1. The petitioner has filed the present writ application for a direction to the District Magistrate not to grant “No Objection Certificate” and cancel it if issued to the private respondent because the private respondent has obtained the lease deed by fraud and the land in question is disputed.



2. Learned counsel for the petitioner submits that private respondent has no right to use the land for which “No Objection Certificate” has been granted by the district authority / Collector for establishment of Petrol Pump under Kishan Seva Kendra by the I.O.C.

3. Learned counsel for the I.O.C. submits that appertaining to the subject land a title suit has been filed by one Shyam Dev Yadav after the petrol pump was commissioned bearing Title Suit No. 340 of 2020 before the Sub Judge-I, Saharsa and the title suit is still pending. Accordingly, his submission is that unless the title suit is decided, the right to use the land in favour of the petitioner or anybody else cannot be presumed.

4. I have heard learned counsel for the parties.

5. “No Objection Certificate” by the District Authority is granted for establishment of petrol pump under Rule 144 of the Petroleum Rules, 2002. The provision for cancellation and suspension of license is there under Rule 152 of the Petroleum Rules, 2002. Rule 154 of the Petroleum Rules, 2002 says that an appeal shall lie against any order refusing to grant, amend or renew a license cancelling or suspending a license before the authority which is immediately superior to the said district authority which has granted “No Objection Certificate”.



Therefore, in terms of the Petroleum Rules, 2002 the remedy of the petitioner lies before the district authority.

6. In view of the aforesaid discussion, the present writ application is disposed of with liberty to the petitioner to approach the district authority under the Petroleum Rules, 2002.

(Anil Kumar Sinha, J)

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