

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9031 of 2024

1. Ganga Setu Service Centre a retail outlet of Hindustan Petroleum Corporation Ltd. under partnership Firm located between Paan Haat and Chourasia Chowk on NH-19, Gandhi Setu Road, Hajipur, P.S. Hajipur Industrial Area, District-Vaishali, through its Partner Abhay Kumar Raushan, male, aged about 34 years, S/o Sri Raj Kishore Ray, resident of Plot No. 30, 31, Kheshra No. 144/145, Gali No. 17, Swarop Nagar, Libaspur, South West Delhi-110042.
2. Om Sai Petro Service, a retail outlet of Hindustan Petroleum Corporation Ltd. under partnership Firm located between Paan Haat and Chourasia Chowk on NH-19, Gandhi Setu Road, Hajipur, P.S. Hajipur Industrial Area, District-Vaishali, through its Proprietor Rajeev Kumar, Male, aged about 54 years, S/o R.K. Ram, Resident of 79, PTC Road, Gandhi Nagar, South Matwari, Hazaribagh, Jharkhand-825301.
3. Bhawani Service Station, a retail outlet of Hindustan Petroleum Corporation Ltd. under partnership Firm located between Paan Haat and Chourasia Chowk on NH-19, Gandhi Setu Road, Hajipur, P.S. Hajipur Industrial Area, District-Vaishali, through its Proprietor Desai Chaudhary, male, aged about 72 years, S/o late Saryug Chaudhary, Resident of Shahi Colony, R.N. College Road, P.O.-Hajipur, P.S. Hajipur Town, District-Vaishali.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Road Transport and Highways, (MoRTH), Transport Bhawan, 1, Parliament Street, New Delhi.
2. The Regional Manager, Ministry of Road Transport and Highways, (MoRTH), Regional Office Patna, Near Nakati Bhawani Mandir on NH 98 Chakmusa, Mohammadpur Kurji, Via-Khagaul Nabatpur Road, Patna-801105.
3. The Project Director, Project Implementation Unit, MoRTH, Gaighat, Patna.
4. The Chief Regional Manager (Retail Sales), HIndustrial Petroleum Corporation Limited, Patna Regional Office, 6th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna-800001.
5. The Territory Manager, Bharat Petroleum Corporation Limited, Muzaffarpur (Retail) Territory, POL Depot, Village-Sherpur, PO-MIC Bela Near Narayanpur Anant Railway Station, Muzaffarpur-842005, Bihar.
6. The General Manager, Indian Oil Corporation Limited, Patna, Bihar State Office, 5th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna-800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms.Namrata Mishra, Advocate Ms. Archana Jha, Advocate
For the U.O.I.	:	Mr. K.N. Singh, Sr. Advocate Ms. Poonam Kumari, Advocate



For the BPCL : Mr. Sidhartha Prasad, Advocate
Mr. Omprakash Kumar, Advocate
For the HPCL : Mr. Neeraj Kumar Gupta, Advocate
For the IOCL : Mr. Sanat Kumar Mishra, Advocate

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

4 10-09-2024 Heard both the parties.

2. The present writ petition has been preferred for
grant of the following relief/s:-

“(i). For not to disconnect the access of the existing petrol pumps retail outlets of the Oil Marketing Companies in the garb of the re-construction of the Gandhi Setu road between Ramashish Chowk and Gandhi Setu.

(ii). For commanding the respondent authorities not to lower down the service road from existing height, disconnecting the retail outlets of the petitioners from it access from the service road which connects the retail outlets and the Gandhi Setu Road.

(iii). For commanding the respondents to ensure the access of the retail outlets to the service road and the main road and also do the needful so that the public transport at large can have easy access to the retail outlets.

(iv). For any other relief/s which the Hon’ble Court may grant in the interest of the petitioner that may be deemed appropriate and necessary in this case.”



3. In the counter affidavit filed by the respondent nos.

1 to 3 at Para Nos. 6,14 and 15, it is stated as under:-

“6. That with regard to the statements made in paragraph no. 2(i) of the writ petition under reply, it is stated and submitted that the access to the existing fuel station of Petitioners are not disconnected. The access is to be provided through the service road.

14. That with regard to the statements made in paragraph no. 6 of the writ petition under reply, it is stated and submitted that the DPR for the work of new four lane bridge with eight lane approaches was carried out in the year 2017. It is true that the project road has been planned that all existing establishment on both sides of the road are to be well connected with the service road. However, petitioners have wrongly mentioned that the surveyor who conducted the survey said that existing establishments will also have access with the main carriageway within a kilometer of the establishment.

15. That with regard to the statements made in paragraph no. 7 of the writ petition under reply, it is stated and submitted that there is no denial or disconnection of access to the fuel station of petitioners, even if they don't have any



permission from Highway Authority. As per MORTH guidelines, the access will be provided through the service road, which is under construction. Further, access to the main road from the service road is provided through up-ramp and down-ramp at designated locations.”

4. Learned counsel for the petitioner states that in view of the stand taken by the respondents in their counter-affidavit, no orders needs to be passed in this particular case and the stand of the respondents may be recorded by this Court and the writ petition may be disposed of accordingly.

5. Having regard to the above made submissions, recording the stand taken by the respondents in the counter affidavit (extracted above) the present writ petition is accordingly disposed of.

(A. Abhishek Reddy , J)

Ankit Kumar/-

U			
---	--	--	--

