

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12758 of 2024

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Dr. Salil Kumar S/o Bharat Yadav R/o Vill.- Chukti, P.S.- Mansi, District-
Khagaria, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar, through District Magistrate, Khagaria.
2. The Superintendent of Police, Khagaria, Bihar.
3. The Sub-Divisional Officer, Khagaria, Bihar.
4. The Circle Officer, Mansi, Khagaria, Bihar.
5. The Station House Officer, P.S.- Mansi, District- Khagaria, Bihar.
6. The Indian Oil Corporation Limited, through its Chairman and Managing Director, 2nd Floor, World Trade Centre, Babar Road, Barakhamba Lane, New Delhi- 110001.
7. The Zonal Head, Indian Oil Corporation Limited, Patna.
8. The Project Manager, NH-31, Khagaria, National Highway Authority of India.
9. The Incharge, General Administration Branch, NHAI Khagaria, Bihar.
10. Vijay Kumar Pandey @ Pandey Yadav S/o Late Ramsharan Yadav R/o- Chukti, P.S.- Mansi, District- Khagaria, Bihar.
11. Kiran Yadav W/o Vijay Kumar Pandey, R/o Chukti, P.S.- Mansi, District- Khagaria, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Respondent/s : Mr. Addl. Advocate General (12)

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL JUDGMENT

Date : 29-08-2024

Heard learned counsel for the petitioner and learned
counsel for the State.

2. Following relief(s) have been prayed for in
paragraph no. 1 of the present writ application.



“1.I. Directing the DM, Khagaria to expeditiously dispose of the representation of the petitioners regarding measurement of their land pertaining to Mauza-Thatha, Khata No. 565, Khesra No. 1131 admeasuring 8 Katha.

II. Directing the DM, Khagaria not to give No Objection Certificate (hereinafter, referred as NOC for brevity) to Kiran Yadav (Respondent No. 11) for retail outlet of IOCL without settling the dispute with regard to the ownership of the land in dispute.

III. Directing the IOCL not to allot retail outlet without proper verification as to whether the land belongs to the petitioner.”

3. Learned counsel for the petitioner submits that on 01.05.1993, through a registered sale deed, the piece of land appertaining to Khata No. 565, Khesra No. 1131 admeasuring 8 Katha was purchased by Smt. Shushila Devi W/o Bharat Yadav(father of the petitioner) from one Kisto Yadav. Learned counsel for the petitioner submits that on 16.10.2014, Bharat Yadav filed a complaint before S.P., Khagaria (Respondent No. 2) wherein it has been stated that one Vijay Kumar Pandey laced



with rifle along with 15-20 armed with revolver illegally entered the land of petitioner and uprooted 150 Mahogany trees along with mango trees. When he went to Vijay Kumar Pandey's house and asked him about his misdeed, he instead of apologizing threatened him of the dire consequences and told him that he will grab his land and in pursuance of that he had got lodged a false case through his wife Smt. Kiran Yadav bearing Mansi P.S. Case No. 194 of 2014. When no action was taken against earlier complaint made by the father of the petitioner, on 21.10.2014, Bharat Yadav again gave representation to the Respondent No. 2 wherein he has reiterated the facts as mentioned above.

4. Learned counsel for the petitioner further submits that on 16.01.2015, Respondent No. 10 again laced with rifle along with 15-20 miscreants armed with revolver illegally trespassed in the land of the petitioner and uprooted harvest of the petitioner. Meanwhile, it came to the notice of the petitioner that Respondent No. 11 has applied for Retail outlet of IOCL by misrepresenting and misleading the concerned IOCL Official that she is the owner of the Plot No. 1131. In furtherance of which, petitioner wrote a letter dated 19.11.2019(Annexure-P/4) to Senior Regional Manager, IOCL, Begusarai, Bihar wherein



he has stated that Plot No. 1131 belongs to him and there is dispute going on regarding Plot Nos. 1130 and 1131 before the Court since 2013. On 21.12.2022, Project Manager NHAI, Begusarai vide letter No. 1129 (Annexure-P/5) requested Incharge, District General Administration Branch, NHAI Khagaria to send NOC with inquiry report and approved map along with recommendation regarding establishment of Retail Outlet of IOCL. In response to Annexure-P/5, Vide letter No. 15579 dated 16.01.2023, Incharge, District General Administration Branch, NHAI, Khagaria stated that he is not in possession of the online as well as offline application regarding opening of retail outlet by Respondent No. 11, therefore, the said proposal (Annexure-P/6) was returned back.

5. Learned counsel for the petitioner further submits that on 19.01.2023 and 28.01.2023 (Annexure-P/7), Shushant Yadav (Brother of petitioner) and petitioner, respectively, gave representations to Respondent No. 1 wherein they have reiterated that Respondent No. 11 should not be given NOC without the land in dispute being measured and demarcated officially. Moreover, it was also stated that on many dates, for measurement of the land in dispute fixed by the C.O., Khagaria Respondent No. 10 and 11 did not appear. On 11.10.2023,



petitioner gave an application (Annexure-P/8) to the Circle Officer, Mansi through Speed Post, requesting him to get the measurement of lands appertaining to Plot Nos. 1123, 1124, 1131, 1121, 1122, 1126, 1128 of Mauza-Thatha, Thana No. 283. On 09.01.2024 and 02.02.2024, respectively, Bharat Yadav (father of the petitioner) gave a representation through Speed Post to Respondent No. 1 requesting him to get the measurement of the disputed land on which retail outlet of IOCL is proposed and not to give NOC till the said land is measured. Learned counsel for the petitioner, therefore, submits that Respondent No. 4 may be directed to dispose of the representation dated 11.10.2023 (Annexure-P/8) within a fixed time frame.

6. Learned counsel for the State, in view of the limited prayer made on behalf of the petitioner, does not object to the disposal of the representation dated 11.10.2023(Annexure-P/8).

7. Considering the aforesaid facts and circumstances, the Circle Officer, Mansi, Khagaria (Respondent No. 4) is directed to consider the application dated 11.10.2023 (Annexure-P/8) in the light of the contentions made by the petitioner in Annexure-P/4 dated 19.11.2019 which was filed before Senior Regional Manager, IOCL, Begusarai and after



perusing the relevant documents filed on behalf of the petitioner as also giving opportunity of hearing to the concerned parties, pass reasoned and speaking order in accordance with law within a period of two weeks from the date of receipt/production of a copy of this order.

8. With the aforesaid observation/direction, the present writ application stands disposed of.

(Rudra Prakash Mishra, J)

Alok Verma/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03.09.2024
Transmission Date	N/A

