

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15760 of 2022**

Sanjib Kumar Singh, aged about 49 years, Male, Son of Gajendra Narayan Singh, Resident of Village and Post Office-Vishnupur Dakshinavari Tola Pashakhuti, Police Station Patraghat, District-Saharsa, Bihar.

... .. Petitioner/s

Versus

1. The Bharat Petroleum Corporation Limited through its Managing Director, Bharat Petroleum Corporation Limited 12/E and F Maker Towers, Cuffe Parade, Mumbai, Maharashtra.
2. The Managing Director, Bharat Petroleum Corporation Limited 12/E and F Maker Towers, Cuffe Parade, Mumbai, Maharashtra.
3. The Territory Manager (Retail), Bharat Petroleum Corporation Limited, Muzaffarpur.
4. The Assistant Manager Sales (Retail), Bharat Petroleum Corporation Limited, Muzaffarpur Territory, Muzaffarpur.
5. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
6. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
7. The District Magistrate, Darbhanga.
8. The Sub-Divisional Officer, Biraul, District-Darbhangha.
9. The Circle Officer, Block-Gaura Bauram, District-Darbhangha.
10. The Chief Engineer (North), Road Construction Department, Bihar, Patna.
11. The Executive Engineer, Road Construction Department, Road Division, Benipur, District Darbhanga.
12. The Divisional Forest Officer, Mithila Forest Division, Darbhanga.
13. The Fire Brigade Officer, Darbhanga.
14. Manoj Kumar Jha, Son of Babu Narain Jha, Resident of Village and P.O.-Paghari, P.S.- Biraul Paghar, Dist- Darbhanga, at present residing at Village-Akbarpur Bank, P.S.- Biraul, Dist- Darbhanga.

... .. Respondent/s

**Appearance :**

|                      |   |                                 |
|----------------------|---|---------------------------------|
| For the Petitioner/s | : | Mr. Ranvijay Narain Singh, Adv. |
| For the Respondent/s | : | Mr. Amit Prakash, GA-13.        |
| For the BPCL         | : | Mr. Sidharth Prasad, Adv.       |
|                      |   | Mr. Om Prakash Kumar, Adv.      |

**CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY**



ORAL ORDER

8      09-01-2024                      Heard learned counsel for the parties.

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

“To issue an appropriate writ preferably in the nature of ‘Certiorari’ for setting aside the Latter bearing MZP/NRO.675. BAJRANG CHOWK dated 07.09.2022 issued under the signature of the Territory Manager (Retail), Bharat Petroleum Corporation Limited, Muzaffarpur whereby and whereunder Letter of Intent No. MZP, NRO.675. BAJRANG CHOWK dated 05.09.2019 and addendum to LOI bearing reference No. MZP. NRO.675. BAJRANG CHOWK dated 11.01.2020 issued in favour of the petitioner for location “within 2 K.M. from Bajrang Chowk towards Saharsa on SH-17, District Darbhanga, State-Bihar, Category open, Type of RO Regular, Type of Site-B has been withdrawn.

(ii) To issue an appropriate writ preferably in the nature of ‘Mandamus’ Commanding upon the respondent authorities to allow the petitioner to operate MS/HSD Retail outlet Dealership at location “within 2 K.M. from Bajrang Chowk towards Saharsa on SH-17, District Darbhanga, State-Bihar, Category Open, Type of RO Regular, Type of site-B”.

3. Even though the counsel appearing on behalf of the parties have tried to argue the matter on merits, this Court is not inclined to go into the merits or demerits of the case.

4. The only point involved in the present writ petition is as to whether the cancellation of the letter of intent granted in favour of the petitioner was done by putting the petitioner on



notice or not.

5. Learned counsel appearing on behalf of the respondents has fairly stated that the petitioner was not put on notice before cancellation of the letter of intent.

6. Having regard to the same, the impugned order is set aside and the matter is remanded back to the authority concerned for taking fresh call duly putting the petitioner on notice. The petitioner shall be given show cause notice and given an opportunity of filing his explanation to the said show cause. On receipt of the same, the authority concerned shall pass necessary orders on its own merits strictly in accordance with law. The entire exercise shall be completed as expeditiously as possible preferably within a period of twelve weeks from the date of receipt of the copy of this order. Any order passed shall be communicated to the party.

7. With the above observation, the present Writ Petition stands disposed off to the extent indicated.

**(A. Abhishek Reddy , J)**

shakir/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

