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30.01.2024

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W.P.A. 16968 of 2023
(Sri Mansa Sabar vs. State of West Bengal & Ors.)

Mr. Bharat Ch. Simai
... For the Petitioner
Mr. Chandi Charan De
Ms. Reshma Chatterjee
... For the State
Mr. D. Mukherjee
.... For the WBSEDCL

Affidavit of service filed on behalf of the petitioner is taken on record.

None appears for the Indian Oil Corporation Limited despite service.

Heard learned counsels for the parties.

Pursuant to an advertisement floated by the Indian Oil Corporation Limited for filling up the vacancies of retail outlet dealership under the ST category in the area of Jamboni Block Development Office to Fekhaghat near State Highway No. 19, the petitioner applied before the authority for such dealership and by a letter issued on 14th December, 2021, the Indian Oil Corporation Limited preliminarily selected the petitioner for the retail outlet dealership. The authority recorded that award of dealership was subject to compliance of terms and conditions of the Corporation in this regard. The petitioner was informed that the candidature of the petitioner could not be considered since one high tension line was crossing over the offered land and unless Government granted lease or permission to make an approach road in front of the project it was not possible to grant the dealership licence. The petitioner

approached the State authorities for grant of long term settlement in respect of an area of 1.5 acres in plot No. 243 for egress and ingress of the petitioner's vehicle which was necessary for grant of the retail outlet dealership. By an order passed on 19th May, 2023, the Additional District Magistrate and District Land and Land Reforms Officer, Jhargram stated that the petitioner did not submit any Indian Oil Corporation authorised sketch map with his representation. The petitioner thereafter submitted a representation before the Indian Oil Corporation Limited on 25th June, 2023 seeking issuance of approved/ authorised sketch map of the vested land as per requirement of the authority. The said representation is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that the representation submitted by the petitioner on 25th June, 2023 be considered and disposed by the third respondent within four weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all concerned including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

Since the third respondent is not represented, the petitioner is directed to serve copy of this order along with a copy of the writ petition including the representation dated 25th June, 2023 upon the third respondent at the earliest.

Since the petitioner has been preliminarily selected for the dealership, the third respondent is restrained from awarding the same dealership in favour of any third party till the disposal of the representation.

The writ petition is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)