

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16325 of 2018

Meera Choudhary @ Meera Devi W/o Mohan Choudhary, resident of Village-
Ranipur, P.S.- Sadar, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Darbhanga.
3. The Circle Officer, Sadar, Darbhanga.
4. The General Manager, Indian Oil Corporation, Lok Nayak Jay Prakash Bhawan- IVth Floor, Dakbunglow,
5. The Senior Divisional Retail Regional Sales Manager, Indian Oil Corporation, Lok Nayak Jay Prakash
6. The Senior Divisional Retail Manager, Muzaffarpur Regional Office, Indian Oil Corporation Krishna C
7. Smt. Chandrawali Devi W/o Gobind Narayan Choudhary
8. Mohini Devi W/o Indra Narayan Choudhary
9. Magwendra Choudhary S/o Indra Narayan Choudhary
10. Smt. Kiran Devi, W/o Sanjay Kumar Yadav
11. Sanjay Kumar Yadav, S/o Sita Ram Yadav,
Residence of Village of (7 to 11) - Ranipur, P.S.- Sadar, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vinay Kumar Mishra, Advocate
For the State	:	Mr. Dhurjati Kumar Prasad, GP 14
For the IOC	:	Mr. Sanat Kumar Mishra, Advocate

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 31-07-2025

1. The petitioner has filed the instant application for the following reliefs:

"1. For issuance of writ of certiorari for quashing the Order dated 8.2.2016 vide letter No.-267 issued by the Circle Office, Sadar, Darbhanga, by which No



Objection Certificate has given in favour of respondent no. 9, namely Maghwendra Choudhary,

II. For issuance of writ of mandamus commanding the respondent authority to take legal action for the issuance of No Objection Certificate in the favour of respondent no.-9.

III. For issuance of writ of Mandamus commanding the respondent authority to stop the construction work of Petrol Pump out let.

IV. For issuance of writ of Mandamus commanding the respondent authority, particularly respondent no. 4 to 6 cancel the licence of Petrol Pump out let aforementioned plot.

v. For issuance of such other writ or order or direction which may deem fit and proper for consideration of this case."

2. Heard the Learned counsel for the petitioner, the State as well as the Learned counsel for the Indian Oil Corporation Ltd. and perused the records.

3. It is an admitted fact that the dealership



in question was allotted to Respondent No. 9 approximately seven years ago, inspite of the objection raised by the petitioner. It is also not in dispute that Respondent No. 9 has been operating the said dealership since then. There were no interim order.

4. Further, from the pleadings and materials on record, it is evident that the Circle Officer received a complaint from the petitioner alleging that a Title Suit No. 230/2014, was pending before the Civil Court. However, upon obtaining a report regarding the said suit, it was revealed that neither Respondent No. 9 nor his mother were impleaded as parties to the said suit. Since Respondent No. 9 and his family members (mother/father), being purchasers and recorded tenants (Jamabandi holders) of the land, were in possession, there was no justification for the Circle Officer to withhold his recommendation, for the grant of a No Objection Certificate (NOC).

5. Further it appears from the record that no injunction order had been passed by any



competent court with respect to the land in question, nor was there any legal impediment preventing the authorities from considering the land suitable for the intended purpose. Based on the report submitted by the Circle Officer, the District Magistrate, Darbhanga, issued the NOC vide Letter No. 975 dated 29.05.2018, addressed to the Senior Divisional Retail Sales Manager, IOCL, Muzaffarpur. Pursuant to receipt of the NOC and other requisite permissions and licenses, the Retail Outlet was commissioned on 25.07.2018, and a Dealership Agreement dated 14.08.2018 was executed between Respondent No. 9 and Indian Oil Corporation Ltd.

6. It is further evident from the material on record, that it was incumbent upon the petitioner to file and place on record all relevant documents establishing his title and possession over the land in question, before the Circle Officer and Indian Oil Corporation. However, the petitioner failed to produce any such documents before the appropriate authority. Accordingly, there appears



to be no error or irregularity in the issuance of the
NOC vide Letter No. 975 dated 29.05.2018 in
favour of Respondent No. 9.

7. From the facts and circumstances of the
case, it is also apparent that third-party rights have
been created, and notably, the petitioner has not
challenged the grant of dealership to Respondent
No. 9 in the present writ petition.

8. In view of the above, this Court finds no
merit in the present writ petition.

9. Accordingly, the writ petition is
dismissed as infructuous.

10. Interlocutory Application(s), if any,
shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.08.2025
Transmission Date	

