

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4484 of 2025**

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Pramod Singh, Son of Shri Dhupan Singh, Resident of Village- Hasulahi, Post Office- Hasulahi, Dewariya, Police Station- Kopa, District - Saran at Chapa.

... .. Petitioner/s

Versus

1. Bharat Petroleum Corporation Limited through its Chairman, Bharat Bhawan 4 and 6 Currimbhoy Road, Ballard Estate, Mumbai- 400001.
2. The Chairman, Bharat Petroleum Corporation Limited through its Chairman, Bharat Bhawan 4 and 6 Currimbhoy Road, Ballard Estate, Mumbai- 400001.
3. The Head of Territory, Bharat Petroleum Corporation Limited, Sherpur, Narayanpur, Near Anant Railway Station, National Highway -28, Post Office - MIC Bela, Muzaffarpur.
4. The Territory Manager, Bharat Petroleum Corporation Limited, Sherpur, Narayanpur, Near Anant Railway Station, National Highway -28, Post Office - MIC Bela, Muzaffarpur.
5. The State of Bihar, through Chief Secretary, Govt. of Bihar, Patna.
6. The Circle Officer, Jalalpur, District - Saran at Chapra
7. The Anchal Amin, Jalalpur, District- Saran at Chapra.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Umesh Kumar Mishra, Advocate. |
| For the Respondent/s | : | Mr. Standing Counsel (09).        |
| For the BPCL         | : | Mr. Rajeev Prakash, Advocate.     |
|                      |   | Ms. Annpurna Prasad, Advocate.    |

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

8      16-09-2025      Heard learned counsel for the parties.

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

*“(i) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities of Bharat Petroleum Corporation Limited*



*to issue the Letter of Intent (LoI) in favour of the petitioner for establishing Retail Outlet Dealership of Petrol Pump of Bharat Petroleum Corporation Ltd at within 1 KM from Ghoghwalay Swasth Upkdendra Towards Basdila RHS on Jalalpur- Basdila Road, District-Saran at Chapra, as the petitioner has been fulfilling all the eligibility criteria and even though after completion of all the formalities till date the letter of Intent has not been issued by the Corporation for award of Retail Outlet Dealership of Petrol Pump.*

*(ii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities of Bharat Petroleum Corporation Ltd. to take into account the repeated reports of the Circle Officer, Jalalpur, Saran communicated to the officials of Bharat Petroleum Corporation Limited Muzaffarpur, by which, the objection with regard to 20 Kadi of land falling in Simana has been clarified and the said land has been shown to be the part of the land of the petitioner pertaining to survey No. 1733, Mauja-Dewariya, Anchal-Jalalpur, District-Saran and thus the petitioner fulfilling all the eligibility criteria for retail outlet Dealership of Petrol Pump of Bharat Petroleum Corporation Ltd at within 1 KM from Ghoghwalay Swasth Upkdendra Towards Basdila RHS on Jalalpur-Basdila Road, District Saran at Chapra but in spite of that till date the respondent authorities concerned of Bharat Petroleum*



*Corporation Limited has not issued the letter of intent in favour of the petitioner.”*

3. The additional prayer sought for by the petitioner through I.A. No. 1 of 2025 is as under:

*“.... for amendment of prayer of the petitioner and to be treated as a part of the writ application with a permission for prayer to quash the Ref. No. BPC16909705021093 dated 15.04.2025 issued by the Bhart Petroleum Corporation Limited Head of Territory, whereby the candidature of the petitioner for award of Retail Outlet Dealership of Petrol Pump of Bharat Petroleum Corporation Limited at within 1 KM from Ghoghwalya Swasth Upkdendra towards Basdila RHS on Jalalpur-Basdila Road, District-Saran at Chapra has been found ineligible.”*

4. It is the case of the petitioner that pursuant to the advertisement given by the Respondent-Corporation for establishing a retail outlet (petrol pump) dealership on 23.08.2023, the petitioner has applied and he has been found eligible for draw a lots. Thereafter, the draw of lots was conducted by the authorities and the petitioner's name was picked up. Subsequently, the petitioner has deposited the requisite amount for spot verification, thereafter the authorities have sent a team for field verification. The authorities have communicated to the petitioner vide Ref. No.



BPC16909705021093 dated 15.04.2025 (Annexure 15) stating that the land of the petitioner does not meet the requirement as the frontage is less than 35 meters.

5. Learned counsel appearing on behalf of the petitioner submits that the authority without taking into consideration the report of the Circle Officer and also the map annexed to the said report (Annexure P/8) have rejected the application made by the petitioner in a pedantic and mechanical manner. Learned counsel submits that the report of the Circle Officer is very clear and the map further clarifies that the frontage of the site offered by the petitioner is actually 36.57 meters and not less than 35 meters as contended by the Respondent-Corporation. Learned counsel, therefore, prayed this Hon'ble Court to allow the present writ petition.

6. Per contra, the learned counsel appearing on behalf of the respondents has vehemently opposed very maintainability of the present writ petition. Learned counsel submits that the petitioner had initially offered land vide sale deed No. 3028 dated 04.03.2023 for Khata No. 202 & 234 and Khesra No. 1733 & 1734 admeasuring area 10 dhur and 1 Khata 5 dhur respectively, sale deed no. 3410 dated 14.03.2023 for Khata no. 266 and Khesra No. 1735 admeasuring area 4 Katha 15 dhur,



sale deed no. 3176 dated 10.03.2023 for Khata No. 234 and Khesra No. 1734 admeasuring area 1 Katha 5 dhur, sale deed no. 6752 dated 15.05.2023 for Khata No. 202 and Khesra No. 1733 admeasuring area 5 dhur and sale deed no. 12751 dated 07.10.2022 for Khata No. 234 and Khesra No. 1734 admeasuring area 1 Katha 5 dhur which on verification was found to be less than the required area. Learned counsel submits that, thereafter, the petitioner has added 20 Kadi of land in Survey No. 1733. Learned counsel submits that the authority based on the Land Evaluation Committee (LEC) report which has visited the site on 22.08.2024 has observed that the land offered site of the petitioner is having less than 35 meters frontage therefore the impugned order dated 15.04.2025 in Ref. No. BPC16909705021093 rejecting the candidature of the petitioner has been passed. Further, the learned counsel for the Respondent-Corporation submits that the question as to whether the land is having frontage of 35 meters or less are disputed questions of fact which cannot go into by this Hon'ble Court under Article 226 of the Constitution of India and prayed for dismissing the present writ petition.

7. Admittedly, in the present case, the authorities based on the Land Evaluation Committee report dated



22.08.2024 have come to the conclusion that the site offered by the petitioner does not meet minimum required frontage of 35 meters. However, it is to be noted that the petitioner has enclosed the copy of the Circle officer report (Annexure P/8) dated 01.10.2024 along with the map.

8. A perusal of the map shows that the frontage offered by the petitioner is 36.57 meters, this court is of the opinion that the ends of justice would be served if the impugned order of rejection is set aside and the matter remanded back to the authority concerned for reconsideration of the entire issue duly taking into consideration the report of the Circle Officer dated 01.10.2024. In case, the authority has any objection or reservation to the report of the Circle Officer, they are free to make a request to the Circle Officer for conducting a fresh site inspection in the presence of the Respondent-Corporation duly putting the petitioner on notice. If any such request is being made, the Circle Officer, Jalalpur, District Saran at Chapra shall conduct the inspection duly giving notice to all the concerned and submit a report to the Respondent-Corporation for taking a suitable decision. 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.



9. With the above direction, the present Writ Petition stands disposed of to the extent indicated.

(A. Abhishek Reddy, J)

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