

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.252 of 2025

In
Civil Writ Jurisdiction Case No.14413 of 2022

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Rajdeo Rai, S/o -Late Mahinder Rai, R/o Nawanagar Nizamat, P.S. -
Sahebganj, District- Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar through the Collector, Muzaffarpur.
2. The District Magistrate-cum-Collector, Muzaffarpur.
3. The Senior Deputy Collector (Incharge), District General Administration
Cell Muzaffarpur.
4. M/s Hindustan Petroleum Corporation Ltd. Through its Chairman and
Managing Director, Having its registered office at 17, Jamshedjee Tata
Road, Mumbai 400020.
5. The Deputy General Manager (Retail) Hindustan Petroleum Corporation
Ltd. Begusarai Retail Regional Office, 2nd Floor, Raghunath Place, Har Har
Mahadev Chowk, NH 31, Begusarai.
6. The Sales Manager, Hindustan Petroleum Corporation Ltd., Muzaffarpur.
7. Siddharth Suman S/o Sukan Paswan, R/o Sadhadambar, P.S. Motipur,
District- Muzaffarpur.
8. Arjun Rai S/o Rajdeo Rai, R/o Nawamagar Nizamat, P.S. - Sahebganj,
District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Parth Gaurav, Advocate
For the State	:	Mr. Sanjay Kumar Ghosarvey, AC to AAG-3 For
HPCL	:	Mr. Rajeev Prakash, Advocate
		Miss Anapurna Prasad, Advocate
		Mrs. Bhinita Sinha, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 07-04-2025

Re: I.A. No. 01 of 2025

The learned counsel for the appellant presses I.A.

No. 01 of 2025 seeking condonation of delay of 31 days in



preferring this appeal.

2. For the reasons stated in the Interlocutory Application, the delay of 31 days in preferring this appeal is condoned.

3. The Interlocutory Application No. 01 of 2025 stands allowed.

Re: L.P.A. No. 252 of 2025

4. The appellant, who was Respondent No. 7 in CWJC No. 14413 of 2022, preferred by one Siddharth Suman, has challenged the judgment dated 21.01.2025, setting aside the refusal of the District Magistrate-cum-Collector, Muzaffarpur in granting No Objection Certificate to the writ-petitioner (Siddharth Suman) for opening a retail outlet Petrol Pump.

5. It appears that the writ-petitioner had approached the High Court for a direction to the Respondent No. 2 to pass an order on his application for grant of No Objection for opening of retail outlet Petrol Pump.

6. During the pendency of the writ petition, the refusal of the Collector in granting No Objection was



brought on record.

7. No Objection was refused to be given by the Collector on the sole ground of the appellant and another having filed a Partition Suit with respect to a property measuring approximately 11.51 acres, of which the leased land to the writ-petitioner was a part.

8. The contention of the writ-petitioner before the learned Single Judge was that the land in question was purchased by one Dukhit Rai, after whose demise, his two sons, namely, Uma Shankar Rai and Hari Shankar Rai inherited the property. They had entered into a lease agreement with Siddharth Suman (writ-petitioner) for an area of 0.45 acres out of a parcel of land measuring about 1.22 acres. The appellant and another associate of his are stated to be distant relatives of Dukhit Rai, who had purchased the property.

9. The learned Single Judge found that the Collector was not justified in rejecting the No Objection Certificate sought by the writ-petitioner merely on the ground of pendency of a Partition Suit which would normally take a long time to be concluded before a Court of



law. Even otherwise, the learned Single Judge was of the view that even if the appellant/Respondents in the writ petition succeeded in the Partition Suit, their cases would not be prejudiced in any manner whatsoever as the larger chunk for which the Partition Suit has been filed is for an area of 11.51 acres, whereas the leased premises, on the strength of which No Objection is being sought by the writ-petitioner, is only 0.45 acres.

10. Considering this aspect of the matter and taking into account that the pendency of a Partition Suit was the sole ground for the Collector to refuse grant of No Objection to the writ-petitioner for opening the retail outlet of Petrol Pump, the order was set aside and remanded to the Collector to take a fresh consideration on the matter in consonance with the observations made in the impugned judgment.

11. While assailing the impugned judgment, Mr. Parth Gaurav, learned Advocate raised two objections, which are being noted for the purposes of being rejected.

12. The first contention of the appellant is that the judgment does not offer an open remand but with a



condition that the observations shall be taken into consideration by the Collector while taking a fresh call on the issue. This only forecloses the contentions of the appellant.

13. The second argument raised on behalf of the appellant is that with the conditional remand of the case to the Collector, the learned Single Judge has put his seal of approval on the correctness of the execution of the Lease Deed in favour of the writ-petitioner.

14. Both the grounds are not tenable for the reasons that have been explained earlier.

15. There is no merit in this appeal.

16. The appeal stands dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
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