

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8877 of 2024

Madhurendra Kumar, aged about 26 years, son of Kaushal Kishore Paswan,
resident of Ward No. 6, Ibrahimpur, P.O.-Ranishankar, P.S.-Runni Saidpur,
District-Sitamarhi.

... .. Petitioner/s

Versus

1. The Indian Oil Corporation Limited 3A, Mourya Lok Complex, 3rd Floor,
Dak Bungalow Road, Patna through its Managing Director Marketing
Division Bihar State Office Patna.
2. Indian Oil Corporation Limited, Divisional Officer, Muzaffarpur, Krishna
Complex, Akharghat Road, Muzaffarpur through its Managing Director.
3. Head of the Divisional Officer, Indian Oil Corporation Limited, Muzaffarpur
Divisional Office, Krishna Complex, Akharaghat Road, Muzaffarpur-
824001.
4. Director, Indian Oil Corporation Limited, Muzaffarpur, Krishna Complex,
Muzaffarpur Divisional Officer, Akharaghat Road, Muzaffarpur.
5. Regional Manager, Indian Oil Corporation Limited, Akharaghat Road,
Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Durga Nand Jha, Advocate.

For the Respondent/s : Mr. Amlesh Kumar Varma, Advocate.

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

7 06-02-2025 Heard learned counsel for the parties.

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

*“(i) for issuance of a writ in
the nature of certiorari for quashing the
communication made by Respondent No.
3 vide dated 15.04.2024 wehreby the
candidature of the petitioner has been
shown ineligible and allotment of retail
outlet dealership of the petitioner has
been moved to Group-3.*



(ii) For issuance of further writ in the nature of Mandamus directing and commanding the Respondents to issue letter of intent of RO dealership at Methoura on Gopi Nathpur- Parmandpur REO, Dumra Block District-Sitamarhi as the petitioner have submitted the entire documents and required fee and his name was put under draw of lots i.e. Group-A and he was selected in Group-1 at serial No. 3 of 04.12.2023 and selection of petitioner was communicated to him on 05.02.2023.

(iii) For issuance of an appropriate declaration that once the petitioner was selected in Group-1 and his name was placed at serial No. 3 in the list of Group 1 and on demand made by Respondent No. 3 security amount of Rs. 30,000/- along with entire documents where submitted on 13.12.2023 which were excepted, there appears no justification to declare the petitioner as ineligible and to shift his name in the Group-3 which is meant for the person who does not furnish a land for opening of outlet.

(iv) For issuance of further declaration that entire action of the respondents made subsequent stage are bad in law, arbitrary and illegal for extraneous consideration of the respondents and thus are fit to be st aside.”

3. It is the case of the petitioner that pursuant to the advertisement dated 28.06.2023, the petitioner has applied for Regular/Retail Outlet (Petrol Pump) dealership issued by the



respondent-corporation, the petitioner has submitted his application on 26.09.2023 duly enclosing all the requisite documents.

4. Learned counsel appearing on behalf of the petitioner has stated that the petitioner has taken the subject property on registered lease from the owner of the property vide registered lease-deed dated 23.09.2023. Thereafter, the authorities have scrutinized the application and put the petitioner in Group-1. That the petitioner was duly selected and he has deposited the requisite fees on 26.09.2023. That subsequently the authorities have communicated to the petitioner that his candidature has been placed in group-3. On enquiry, the authorities have directed to petitioner to submit No Objection Certificate (NOC) from the other co-owner of the subject property. Learned counsel has stated that the owner of the property is one Jogendra Rai and the alleged other co-owner Nagendra Rai has nothing to do with the subject property. However, at the request of the respondent-corporation the petitioner has submitted the No Objection Certificate (NOC) from the other co-owner Nagendra Rai also on 18.04.2022, however, the petitioner's application was still put up in Group 3. Learned counsel has, therefore, prayed this Hon'ble Court to set



aside the impugned order and direct the authorities to consider the application of the petitioner under Group-1.

5. Per contra, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that on verification of the revenue record, it was found that the subject property was owned by two persons, namely, Jogendra Rai and Nagendra Rai whereas the petitioner has submitted the registered lease-deed executed by only one person i.e. Jogendra Rai, therefore, the authorities in consonance with the guidelines issued by the PSU Oil Marketing Company's Manual for Selection of Dealers for Regular & Rural Retail Outlets more particularly Clause 6(vi)(a) have put the petitioner in the Group 3. Further, it is stated that the second draw was already held on 18.06.2024 and a third party was selected for the retail outlet (Petrol Pump) dealership. That the field verification has also being completed. Learned counsel has therefore, prayed this Hon'ble Court to dismiss the present writ petition.

6. In order to appreciate the issue involved in the present writ petition, it is pertinent to extract the relevant portion of the guidelines issued by the PSU Oil Marketing



Company's Manual for Selection of Dealers for Regular & Rural Retail Outlets more particularly Clause 6 (vi)(a) which reads as under:-

“The land should be available with the applicant as on the date of application and should have minimum lease of 19 years and 11 months (as advertised by respective oil company) from the date or after the date of advertisement but not later than the date of application. If the offered land is on Long terms lease and there are multiple owners, then lease deed should be executed by all co-owners of the offered plot. In case lease deed is not executed by all co-owners; such lease deed shall be treated as invalid.”

7. As seen from the above, the petitioner was obligated to enclose his registered lease-deed executed by all the owners whose names are reflected in the revenue record. In this particular case, the name of the two owners is being reflected in the revenue record but the petitioner has submitted the lease-deed of only one owner vide registered lease-deed dated 23.09.2023. Thereafter, he has submitted a No Objection Certificate (NOC) issued by Nagendra Rai on 18.04.2024. Admittedly, the last date for submission of the application is 27.09.2023 by which time the petitioner ought to have submitted all the requisite documents. The application of the



petitioner was put in Group-3 as the petitioner had not submitted the lease-deed executed by the person whose name is reflected in the revenue record within time, this Court does not find any illegality committed by the respondent-corporation in putting the petitioner in Group-3. Further, it is categorically stated in the counter affidavit that the second draw has already been held on 18.06.2024 and one Chandra Shekhar Paswan has been selected and a field verification has also been completed. The petitioner has not taken any steps to implead the third-party in whose name has been selected.

8. Having regard to the above-mentioned facts and circumstances, this court does not find any merit in the present writ petition which warrants any interference by this Court. The present writ petition is accordingly, **dismissed**.

(A. Abhishek Reddy, J)

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