

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14673 of 2022

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Pappu Kumar Yadav @ Pappu Kumar, aged about 38 years (male) Son of Sri Jaleshwar Ray, resident of Village -Mirzapur, P.O. and P.S.-Parsa, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Chief Engineer (North) Road Construction Department, Government of Bihar, Patna.
3. The Superintending Engineer, Road Circle Saran, Road Construction Department, Hajipur, District-Vaishali.
4. The Executive Engineer, Road Division Saran, Road Construction Department, Chapra, District-Saran.
5. The District Magistrate, Saran at Chapra.
6. The District Supply Officer, Saran at Chapra.
7. The Sub-Divisional Officer, Chapra Sadar, District-Saran.
8. The Circle Officer, Circle-Parsa, District-Saran.
9. The Hindustan Petroleum Corporation Ltd. through its The Chairman-cum-Managing Director, 17, Jamshedji Tata Road, Mumbai-400020.
10. The Deputy General Manager (Retail), Hindustan Petroleum Corporation Ltd., Patna Retail Regional Office, 6th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna.
11. The Senior Regional Manager, Hindustan Petroleum Corporation Ltd., Patna Retail Regional Office, 6th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna.
12. Shravan Kumar Singh, son of Sri Rajendra Prasad Singh, resident of Village-Chandpura (West), P.O. and P.S.-Parsa, District-Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Tiwary, Advocate.

For the Respondent/s : Mr. Manoj Kumar Ambastha (SC 26) with
Mr. Santosh Kumar Mishra, AC to SC-26.
Mr. Divit vinod, AC to SC-26.

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

15 18-02-2025

Heard learned counsel for the parties.



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

“(i) For setting aside Letter No. 1270 dated 30.10.2021 whereby and whereunder Respondents concerned rejected the recommendation for grant of no objection certificate to the petitioner for establishing a retail outlet of Hindustan Petroleum Corporation Ltd. as communicated to the Petitioner vide Letter No. 1306 dated 03.08.2022 issued by the Respondent No. 4

(ii) For issuance of a writ of mandamus commanding the respondent concerned to consider and grant no objection certificate to the petitioner to establish a retail outlet of Hindustan Petroleum Corporation Ltd. at land situate at Mauza-Bishnupura, Circle Parsa District Saran, Thana No. 406, Khata No. 28, Khesra No. 858.

(iii) For a further direction to the respondent Authorities to refrain from granting no objection certificate to the respondent No. 12 for establishing retail outlet of Indian Oil Corporation over land situate at Mauza Bishnupura, Circle-Parsa, District Saran, Thana No. 406, Khata No. 28, 63, 87 Khesra No. 851, 854, 855, 856.”

3. Learned counsel appearing on behalf of the Respondent-State has stated that the State Government has given revised guidelines with respect to the distance that should be maintained between two fuel stations. The said revised



guidelines are brought on record by the State Government vide Annexure RH/1 dated 04.01.2024. Learned counsel has stated that having regard to the revised guidelines the impugned rejection of proposal may be set aside and the matter remanded back to the competent authority i.e. the Executive Engineer, Road Division Saran, Road Construction Department, Chapra, District-Saran (Respondent No. 4) for considering the proposal afresh duly taking into consideration the revised guidelines issued by the State Government.

4. The revised guidelines issued by the State Government more particularly Column 6 of the Clause 2.2 are as follows:-

6.	Distance between two Fuel Stations	Undivided carriageway-300m* Divided carriageway-1000m* *Including deceleration and acceleration lanes. However, this restriction shall not apply in case access/egress for all such fuel station are provided through common service road of minimum 7.00m width and not directly to State Road. Further access for fuel Stations at closer proximity than above distance may be allowed provided entry/exit for both the fuel stations are provided through service road of minimum 7.00 m width having sufficient length, Further, additional length of such service road shall be constructed at the cost of the latter fuel station owner/company seeking grant of permission for access for the facility.
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5. Having regard to the above, the impugned order dated 30.10.2021 and the order dated 03.08.2022 are both set aside. The matter is remanded back to the Respondent No. 4 i.e. the Executive Engineer, Road Division Saran, Road



Construction Department, Chapra, District-Saran for considering the proposal afresh duly taking into consideration the above guidelines issued by the State Government as expeditiously as possible preferably within a period of eight weeks from the date of the receipt of the copy of this order. Any order passed shall be communicated to the party.

6. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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