

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1168 of 2023

In

Civil Writ Jurisdiction Case No.3011 of 2023

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Sarika Murarka, Wife of Late Pradip Murarka, Owner and Proprietor of M/s Shristi Diesel, Coal Board Road, Barauni Begusarai at present residing at Ward No. 10, Near Din Dayal Road Mashid, Phulwaria, Police Station- Phulwaria, District- Begusarai, Pin Code- 851112.

... .. Appellant/s

Versus

1. The Union of India through the Secretary, Ministry of Petroleum, Govt. of India, New Delhi.
2. The Executive Director, Indian Oil Corporation Ltd., Office at Lok Nayak Jay Prakash Bhawan, Dak Banglow, Patna- 800001.
3. The Divisional Retail Sales (Head), Indian Oil Corporation Ltd., Begusarai, Divisional Office, P.O.- Barauni, Oil Refinery, District- Begusarai, Pin Code- 851114.
4. Ram Narayan Rai, Son of Late Dulo Rai, Resident of Village- Rajbara, Pargana- Malaki, Police Station- Barauni, P.O.- Barauni, District- Begusarai, Pin Code- 851112.
5. Raj Kishore Rai @ Chandan Rai, Son of Dulo Rai, Resident of Village- Rajbara, Pargana- Malaki, Police Station- Barauni, P.O.- Barauni, District- Begusarai, Pin Code- 851112.
6. Ram Bahadur Rai, Son of Late Ramashraya Rai, Resident of Village- Rajbara, Pargana- Malaki, Police Station- Barauni, P.O.- Barauni, District- Begusarai, Pin Code- 851112.
7. Ramanad Rai, Son of Late Ramashraya Rai, Resident of Village- Rajbara, Pargana- Malaki, Police Station- Barauni, P.O.- Barauni, District- Begusarai, Pin Code- 851112.
8. Chandra Bhushan Rai, Son of Late Ramashraya Rai, Resident of Village- Rajbara, Pargana- Malaki, Police Station- Barauni, P.O.- Barauni, District- Begusarai, Pin Code- 851112.
9. Siya Ram Singh, S/o Late Dukha Haran Rai, Resident of Village- Rajbara, Pargana- Malaki, Police Station- Barauni, P.O.- Barauni, District- Begusarai, Pin Code- 851112.
10. Shailendra Rai, Son of Shri Ram Rai, Resident of Village- Rajbara, Pargana- Malaki, Police Station- Barauni, P.O.- Barauni, District- Begusarai, Pin Code- 851112.
11. Narendra Rai, Son of Shri Ram Rai, Resident of Village- Rajbara, Pargana-



Malaki, Police Station- Barauni, P.O.- Barauni, District- Begusarai, Pin Code- 851112.

12. Balmiki Rai, Son of Late Dukh Haran Rai, Resident of Village- Rajbara, Pargana- Malaki, Police Station- Barauni, P.O.- Barauni, District- Begusarai, Pin Code- 851112.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pramod Kumar
For the Respondent/s	:	Dr. K.N. Singh, Sr. Advocate (ASG)
		Mr. Mithilesh Kumar Gupta, CGC
		Mr. Amarjeet, Advocate
		Ms. Prakritita Sharma, J.C. to ASG
		Mr. Sanat Kumar Mishra, Advocate
For Respondent No. 7	:	Mr. Ankur Govind, Advocate
		Mr. Amit Anand, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 05-03-2025

Heard Mr. Pramod Kumar, learned Advocate for the appellant and Dr. K.N. Singh, learned Senior Advocate for the Indian Oil Corporation.

2. The appellant was allotted a retail outlet, which is still being run on a leased land. There was no complaint whatsoever against the running of the aforesaid outlet. However, the lease of the land expired and the landlord, as on date, is unwilling to extend the



lease.

3. Faced with this situation, the appellant approached the respondent/Indian Oil Corporation for re-location of the site and suggested a site opposite the running outlet. The same was not acceptable to the Indian Oil Corporation on the ground of the suggested site being of lesser measurement than the required area of land for allotting any retail outlet.

4. Even otherwise, the appellant does not have a right to have a particular outlet relocated, which would be in the domain of the decision making of the Oil Corporation.

5. The very reason of the suggested site being lesser in measurement than the required measurement prescribed, is a good ground for rejection of the proposal of the appellant. However, by the impugned judgment, the appellant has been directed to, if so advised, invoke other remedies, viz. by way of civil suit.

6. We do not find any reason to interfere with



the learned Single Judge’s order.

7. There is no merit in this appeal.

8. The appeal is dismissed.

(Ashutosh Kumar, ACJ)

(Harish Kumar, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	06.03.2025
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