

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.833 of 2018

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Amit Kumar Singh Son of Arun Kumar Singh, resident of Village- Milki,
P.O.- Gangta More, P.S.- Haveli Kharagpur, District- Munger.

... .. Petitioner/s

Versus

1. The Union Of India through Secretary, Ministry of Oil and Natural Gas, New Delhi.
2. The Indian Oil Corporation through Managing Director, G-9, Aliyavar Jung, Bandra East, Mumbai 400051
3. The Chairman-cum- Managing Director, Indian Oil Corporation Ltd., G-9, Aliyavar Jung, Bandra East, Mumbai 400051
4. The Director Marketing, Indian Oil Corporation Ltd. Mumbai.
5. The General Manager, Indian Oil Corporation Ltd. State Office, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Cirle, Frazer Road, Patna
6. The Sr. Manager RS, Indian Oil Corporation Ltd., Divisional Officer, Begusarai, P.O.- Barauni Oil Refinery, District – Begusarai (Bihar) 851114
7. The CE Cum Regional Officer Bihar and Jharkhand, Ministry of Road and Transport and Highways, Regional Office 17, IAS Colony, Kidwaipuri, Patna - 800001

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar
For the IOC	:	Mr. Sanat Kumar Mishra, Advocate
For the UOI	:	Mr. A.B. Mathur, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 14-07-2025

1. The petitioners have filed the Writ petition for the following relief:

“ To quash the letter No. BDO /SRMP/ Ineligible/ RO 372 dated 07-03-2016 (Annexure-6) and for issuing appropriate writ to the respondents directing them to issue Letter of intent in favour of the



petitioner pursuant to advertisement published on 26-10-14 for award of Retail outlet dealership at within 1 k.m. from new bridge over Mani river at Haveli Kharagpur toward Jamui on NH 333 on RHS district- Munger under open category and further direction to the respondents more particularly respondent No. 6 to send proposal to Regional Office, National Highway Authority of India, Patna for obtaining No objection certificate in order to establish the outlet in question.

2. In nutshell the case of the petitioner is that he applied for a retail outlet dealership, pursuant to the advertisement dated 26.10.2014 for the location at "1 KM from new bridge over Mani River at Haveli Kharagpur towards Jamui on NH-222, District Munger" under open category. He was the sole applicant for the said location, and after scrutiny, his application was found in order. Consequently, the Land Evaluation Committee (LEC) visited the proposed site on 12.01.2015.

3. It is submitted that during the visit, the



Land Evaluation Committee raised queries, particularly about a nearby intersection. The petitioner explained that the site had sufficient land to construct a service road, as permitted under the NHAI guidelines. Despite this, the Letter of Intent (LOI) was not issued. Upon inquiry, the petitioner learnt that the delay was due to the intersection, near the proposed site.

4. It is submitted by the Learned counsel for the petitioner that the petitioner submitted a letter dated 05.03.2015, referencing similar cases where NHAI granted NOCs upon proposals sent by oil companies. He also submitted a representation to respondent no. 7, vide letter dated 04.02.2016 (Annexure-4) which clarified that minor deviations in NHAI norms could be considered on merit, if a service road was proposed.

5. It is further submitted that despite of the clarification, respondent no. 6 rejected the petitioner's candidature on 07.03.2016, citing non-compliance with NHAI norms and the presence of an intersection. The petitioner submitted a detailed



representation on 14.03.2016 highlighting the deviation policy and requested reconsideration. He also forwarded a copy to the Hon'ble Minister, Oil and Natural Gas, Govt. of India. Subsequently, on his instructions, Under Secretary, Govt. of India, wrote a letter dated 26.05.2016 to Director (Marketing), IOCL to re-evaluate the matter in consultation with NHAI. In response, the Divisional Office of IOCL sought clarification from the Ministry, which confirmed on 30.08.2016 that deviations under Annexure-4 were permissible in all cases.

6. It is further submitted that despite these directions and clarifications, IOCL failed to issue the LOI or forward the proposal to NHAI, thereby arbitrarily denying the petitioner's candidature. The petitioner asserts that IOCL has previously issued LOIs to others under similar deviations and that its refusal in his case is discriminatory and a colorable exercise of power.

7. The Learned counsel for the petitioner submitted that the proposed location lies on NH-



333, which is being widened to a four-lane highway. Upon completion, the issue of intersection would cease to exist, removing the stated ground of ineligibility. It is further submitted that the petitioner is an unemployed graduate and such action by the respondent has deprived his livelihood.

8. Counter affidavits were filed on behalf of the respondent Indian Oil Corporation as well as respondent No. 7/NHAI.

9. The Respondent No. 7 averred in the counter affidavit that *"the present writ application has been filed with the prayer for setting aside the order dated 07-03- 2016 (Annexure-6) passed by the respondent no-6 (Sr. Manager(Retail Sales) Indian Oil Corporation whereby and where under the Respondent Indian Oil Corporation has rejected the candidature of the petitioner for RO dealership with the observation that, ".....The offered plot is not meeting NHAI norms, and there is an intersection at a distance of about 17 Mtrs. with MDR.....". Thereafter, the petitioner prayed for*



award of Retail outlet dealership and alternatively prayed for direction to the respondent no-6 to send proposal to Regional Office, NHAI, Patna for obtaining no-objection certificate to establish the outlet.

However, it is stated that the power to give access to National Highways lies with the Highway Administration in terms of the Highway Administration Rules, 2004 under the control of The National Highways (Land and Traffic) Act, 2002 while exercising this power, the Ministry issued the general guidelines/norms for access permission to fuel stations, private properties, rest area complexes etc.

Whereas it is apparent that the petitioner has not availed the alternative remedy provided under the above mentioned Act and Rules and seeking direction under the writ jurisdiction through the respondent no- 6 is not a proper remedy and as such the present writ application is not maintainable and is fit to be dismissed.”

9. Heard the Learned counsel for the



parties.

10. At this stage, the Learned Senior counsel Sri Sanjay Singh for the petitioner made a limited prayer to the extent that liberty may be granted to the petitioner to avail the remedy to approach NHAI for redressal of his grievance, as 100 days window is available.

11. Having regard to the facts and circumstances of the case and considering the limited prayer made by the petitioner, this Court deems it fit and proper to grant liberty to the petitioner to invoke alternative remedy provided under the Highway Administration in terms of the Highway Administration Rules, 2004 framed under the control of The National Highways (Land and Traffic) Act, 2002, within a period of four weeks from the date of receipt of a copy of this order. The representation shall be considered by the concerned authority in accordance with law and a final order under the aforesaid Act and Rule shall be passed within a period of three months from the date of filing of such representation.



12. With the aforesaid observations, the
Writ petition is disposed of.

13. Interlocutory Application(s), if any,
shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.07.2025
Transmission Date	

