

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1000 of 2025

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Kumari Deeplata W/o Rupesh Kumar, R/o Ward No. 37 Mohalla-Ismail Ganj
near Light House Cinema, P.O. and P.S.-Laheriasarai, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary cum Principal Secretary Road Construction Department, Govt. of Bihar, Vishwasharaiya Bhawan, J.L. Nehru Road (Belliey Road), Patna.
2. The Chief Engineer, North, Road Construction Department, Bihar, Patna.
3. The Collector, Darbhanga.
4. The Senior Deputy Collector, In-charge General Section, Darbhanga.
5. The Superintending Engineer, Road Construction Department, Road Circle, Darbhanga.
6. The Executive Engineer, Road Construction Department, Road Division, Darbhanga.
7. Assistant Engineer Road Construction Department, Road Sub-Division No. 1, Darbhanga.
8. The Regional Manager, Bharat Petroleum Corporation Limited, Sherpur Narayanpur Anant, Near Railway Station Muzaffarpur NH-28, P.O.-MIC Bela, Muzaffarpur-842005.
9. The Territory Manager (Retail) Bharat Petroleum Corporation Limited, Sherpur Narayanpur Anant, Near Railway Station NH-28, P.O.-MIC Bela, Muzaffarpur.
10. The Manager Engineering (Retail), Bharat Petroleum Corporation Limited, Sherpur Narayanpur Anant, Near Railway Station NH-28, P.O.-MIC Bela, Muzaffarpur.
11. The Sales Officer (Retail) Bharat Petroleum Corporation Limited, Darbhanga, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj
For the Respondent/s : Mr. Kameshwar Kumar, Government Pleader (17)

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

Date : 24-06-2025

Heard the learned counsel for the parties.

The present writ petition has been filed for the following

relief(s):-



“That this application is being filed for issuance of appropriate writ/writs for setting aside the letter no.- 603 Anu. dt. 08.04.2024 and letter no. 2006 Anu. dt 28.10.2024 issued by Respondent no. 2 where wrongly the objection raised without any basis only with a view to harass the petitioner whereas the earlier single issue of merely distance between two fuel station however several objection was made one after the another whereas petitioner always tried to meet the query of the department (Annexure- P8) whereas without any spot enquiry respondent no. -2 raised the objection and further direction to respondents no. 3 and 4 to give No Objection certificate to petitioner whereas all the formalities had been completed by the petitioner has already the letter of intent (Annexure- P3) has been issued by Respondent no. -9 for opening and establishing retail outlet in Mauza Ismailganj, P.S-Laheriasarai, District-Darbhanga pertains to Khata no 3333, Khesra No.- 26589, 26609, 26610, 26611.”

3. It is the case of the petitioner that pursuant to the advertisement issued by the respondents Corporation, the petitioner has applied for allotment of the retail outlet dealership of Bharat Petroleum Corporation Limited in Mauza-Ismailganj, P.S-Laheriasarai, District-Darbhanga. That the petitioner has made the application along with all the requisite documents. That the petitioner has applied for ‘No Objection Certificate’ (NOC) from the Land Revenue Department and other Departments and the No Objection Certificate has been given by the above departments, except the Road Construction Department. It is stated that the Respondent No. 4 herein has raised a query with the Respondent No. 5 stating that the distance between the proposed petrol pump



of the petitioner and the existing petrol pump is less than 190 mtrs. which is contrary to the IRC:12-2009. Learned counsel has stated that the Indian Road Corporation (IRC) norms are not statutory in nature, and therefore, the reliance placed by the authorities on the said IRS norms is without any legal basis. Further, learned counsel has stated that this Hon'ble Court vide order dated 15.02.2023 passed in C.W.J.C. No. 6111 of 2019 has already held that the guidelines framed by the IRC are not statutory in nature and cannot be enforced. Though the petitioner has submitted the necessary clarification, the authority has not issued the No Objection Certificate in favour of the petitioner and passed the impugned order which is challenged in the present CWJC.

4. *Per Contra*, the learned counsel appearing on behalf of the respondents State has stated that as per the IRC norms the distance between the two petrol pumps should not be less than 300 mtrs., whereas in the present case the distance between the proposed petrol retail outlet and that of the existing petrol retail outlet is only 190 mtrs., therefore, the authority could not grant the No Objection Certificate. Counsel has stated that the orders have been passed by the authority strictly in consonance with the guidelines issued by the IRC and therefore, require no interference.



5. It is pertinent to note that in this particular case the advertisement was issued on 25.11.2018 and the petitioner has been selected and his application approved vide letter of intent (LOI) dated 25.11.2020. Further, in the counter-affidavit filed by the respondents at Para No. 7, it is stated that the Ministry of Road Transport and Highways, Government of India has issued guidelines on 26.06.2020 whereunder, the guidelines relating to 'Location Norms on Rural stretches of National Highways' and 'Location Norms of Urban Mountainous stretches of National Highways' was issued in the meeting dated 15.07.2022. The Departmental Tender Committee of Road Construction Department, Bihar resolved to adopt the same. At Para No. 23 of the counter-affidavit, it is further stated that under Letter No. 1585 dated 06.09.2024, the Chief Engineer, North, Road Construction Department, Bihar, Patna has rejected the proposal of issuance of NOC on account of following shortcomings;-

i. Distance of nearest fuel station was found 190 meter which was against the parameter fixed under Departmental letter no. 80 (E) dated 04/01/2024.

ii. Distance of Buffer Strip from Road Centerline was shown as 6.5 meter whereas it should have been 12 meter as per IRC-12 Norms. Further, distance of ROW from Centerline has been shown as 12 meter which does not tally with site map.

iii. Length of Buffer Strip has been shown as 12 meter and length of Entry & Exit



has been shown as 4-4 meter which is not in compliance of IRC-12 Norms.

iv. Breadth of Buffer Strip has been shown as 1 meter whereas it should have been 3 meter as per IRC Norms.

v. Provision of separate toilet for ladies and gents has not been made in the site map.

6. The other departments i.e. namely Land Revenue Department, Fire Brigade Department, Safety and Security Department have already given No Objection Certificate for opening of the present outlet except the Road Construction Department.

7. The main ground taken by the authorities is that as per the IRC:12-2009 norms the distance between two outlets should be 300 mtrs. whereas in the present case the distance between the proposed outlet and that of the existing outlet is only 190 mtrs.

8. This Court in C.W.J.C. No. 6111 of 2019 dated 15.02.2023 has held as under :

10. In my considered opinion, the guidelines framed by the Indian Road Congress are not at all statutory guidelines and it cannot be enforced by this Court under Article 226 of the Constitution of India.

11. This Court has no alternative than to quash the letter contained in Memo No. 3017 dated 23.10.2018. The Respondent No. 6- The Chief Engineer (Mechanical), South Bihar, Road Construction Department, is directed to forthwith issue 'No Objection Certificate' to the Indian Oil Corporation Limited.

12. It is made clear that as this Court had held guidelines issued by the Indian Road Congress don't have any statutory force, the Respondent No. 6- The Chief Engineer



(Mechanical), Sough Bihar; Road Construction Department, must not delay the matter in issuing 'No Objection' to the petitioner/ Oil Company."

9. Further, it is to be noted that the advertisement in this particular case was issued on 25.11.2018 whereas the guidelines issued by the Ministry of Road Transport and Highways are dated 26.06.2020, the guidelines even if held to be valid cannot operate retrospectively and, therefore, the reliance placed by the authorities for rejecting the NOC of the petitioner is legally not permissible.

10. Having regard to the same, the letter no.- 608 Anu. dated 08.04.2024 and letter no. 2006 Anu. dated 28.10.2024 are set aside and the authorities are directed to issue the No Objection Certificate to the petitioner as expeditiously as possible preferably within a period of four weeks from the date of receipt of the copy of this order.

11. The present writ petition stands allowed to the extent indicated.

Ayush/- **(A. Abhishek Reddy, J)**

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.06.2025.
Transmission Date	NA

