

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3631 of 2024

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Gopal Sharma Son of Late Dhana Lal Sharma, Resident of Ward No. 09,
village Kumhari, Post Office- Durgaganj Kumhari, Police Station- Kodwa,
District- Katihar, PIN- 855105.

... .. Petitioner/s

Versus

The Divisional Manager, Indian Oil Corporation, Begusarai, Opposite
Barauni Refinery, Police Station and District- Begusarai- 841114.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Najmul Hoda, Advocate.

For the Respondent/s : Mr. Sanat Kumar Mishra, Advocate.

For the IOCL : Mr. Amlesh Kumar Verma, Advocate.

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

8 24-03-2025 Heard learned counsel for the parties.

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

*“For cancelling the notice (Vide
Annexure-1) issued by the Respondents for
allotment of Petrol Pump Outlets vide
notice published in the Daily Hindustan by
the Marketing Sub-Division, Bihar State
Office, Regular/village Retail Outlet (Petrol
Pump) Dealership in the circumstances set
forth below.”*

3. It is the case of the petitioner that the respondent-
authority have issued an advertisement seeking applications for
establishment of a Retail Outlet (Petrol Pump) Dealership in the
location within 3 KM from main gate of RDS College, Salmari
towards Barsoi on SH 98, District Katihar, Bihar.

4. Learned counsel appearing on behalf of the
petitioner has stated that the said location is not suitable for



establishment of a Retail Outlet as the same is amidst a thickly populated village and further high-tension transmission wires are running through the area.

5. Learned counsel appearing on behalf of the respondents has stated that the present writ petition lacks merit and does not warrant any interference by this Court. Learned counsel has stated that the petitioner has no *locus-standi* to challenging the advertisement and it is the prerogative of the Indian Oil Corporation to give the advertisement for a particular area. The criteria for adverting a particular area for establishment of Retail Outlet is based on the market requirements and other criteria. Further, it is stated that the advertisement is for the area of 3 KMs of stretch on both the sides of the road and a feasible report for the location in question was also obtained. Further, it is stated that 'No objection Certificate' was issued by the District Magistrate and the same was taken into consideration. Learned counsel has further stated that several aspirants had applied for the said location and a draw of lots was held on 12.06.2024. That Md. Gholam Amir has been selected and a letter of intent has been issued to the said Md. Gholam Amir. The contention of the petitioner that the advertised area is not suitable, is without any



legal basis. Learned counsel for the respondents has, therefore, prayed this Hon’ble Court to dismiss the present writ petition.

6. As seen from the records, though the authorities have taken a specific stand stating that pursuant to the advertisement several persons have applied for the said locations and a draw of lots was held on 12.06.2024 in which one Md. Gholam Amir was selected and letter of intent was also issued in his favour. The petitioner has not bothered to implead the said Md. Gholam Amir. Further, it is to be noted that it is not for any individual to challenge the location advertised by the Respondent-Indian Oil Corporation. The Corporation will choose the location depending on the market condition and requirements, the petitioner cannot be aggrieved by the said decision. The petitioner, if so advised, is always free to participate in the said advertisement and he cannot challenge the same more so. When the others have participated in the process and one of them is selected. This Court does not find any merit in the present writ petition which warrants an interference. The writ petition is **dismissed** accordingly.

(A. Abhishek Reddy, J)

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