

*D/L 11
06.01.2025
Court. No. 3
Aritra*

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Appellate Side**

WPA 2641 of 2024

**Hasina Begam
Vs.
The Chairman, Indian Oil Corporation
Limited & Ors.**

*Mr. Dr. Arjun Chowdhury
Ms. Pratusha Dutta Chowdhury
Mr. Koushik Kumar Kanu
Ms. Tulip Saha
Mr. Dibyajyoti Bhowmik
....for the petitioner
Mr. Bikramaditya Ghosh
Ms. Supriya Singh
....for the IOCL*

1. The instant writ petition is at the instance of a disgruntled applicant, who has not been selected for setting up a petrol pump by the respondents authorities pursuant to the advertisement as published on 18/04/2023 in various circulated newspapers in the State of West Bengal. It is placed on record that the respondent authorities have provisionally selected the private respondent No.4 for setting up the petrol pump pursuant to the said advertisement.
2. Equally pertinent to mention herein that despite service none appears on behalf of the respondent No.4 at the time of hearing.
3. At the time of hearing Mr. Chowdhury, learned advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to page No.34 of the writ

petition being Annexure P2 which is a copy of the brochure for selection of dealers for regular and rural retail outlets which contains guidelines for selection of dealers through draw of lots/bidding process.

4. It is contended by Mr. Chowdhury that while selecting the private respondent No.4 as a provisionally successful candidate, the respondent authorities have not considered the said guidelines in its proper perspective overlooking the various lacuna on the part of the respondent No.4 which have been highlighted and brought to the notice of the respondent authorities pursuant to two separate representations dated 05/01/2024 and 15/02/2024, the copies of which have been annexed as Annexure P5 from page 204 to 207 of the instant writ petition.
5. In course of his argument Mr. Chowdhury further submits that under cover of the said two written representations various irregularities in respect of the ownership of the land in question were brought to the notice of the respondent No.2 but the respondent No.2 did not consider such representations in accordance with the aforementioned guideline and thus on account of such non-action/inaction the writ petitioner's fundamental right under Article 14 read with Article 16 read with Article 19 (1) (g) of the Constitution of India have been violated.
6. Admittedly, as per direction of a co-ordinate Bench dated 23/12/2024 no instruction has been submitted before this Court from the respondent authorities.

7. Considering the entire scenario as discussed supra and also considering the alleged inaction on the part of the respondent authorities which may affect the aforementioned fundamental rights of the present writ petitioner this Court proposes to dispose of the instant writ petition in the manner indicated hereunder.
8. The respondent No.2, i.e., Divisional Head, Siliguri Divisional Office, Indian Oil Bhavan, having office at Paribahan Nagar, Matigara P.O-Matigara, District-Darjeeling, West Bengal - 734010 is hereby directed to consider the written representations dated 05/01/2024 and 15/02/2024 in accordance with law after giving opportunity of hearing to the petitioner as well as to the private respondent No.4 herein and thereafter shall pass a reasoned order and shall communicate its order both to the writ petitioner as well as the private respondent No.4 forthwith preferably by e-mail, if e-mail details of the writ petitioners and the private respondent No.4 are provided at the time of hearing.
9. It is further directed that the entire exercise as indicated in the foregoing paragraph is to be completed within eight weeks from the date of communication of this order.
10. Learned advocate for the respondent Nos.1 to 3 is requested to communicate the server copy of this order to the respondent No.2. Similar liberty is given to the learned advocate for the writ petitioner to communicate the server copy of this order to the respondent No.2.

11. It is further ordered that the respondent authorities shall not grant license to the private respondent No.4 for establishment of petrol pump pursuant to the advertisement dated 18/07/2023 before one month from the date of passing of the reasoned order as directed hereinabove in the event the aforementioned two representations are considered against the writ petitioner.
12. With the aforementioned observations the instant writ petition being **WPA 2641 of 2024** is disposed of.
13. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Partha Sarathi Sen, J.)