

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2629 of 2025

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Suman kumar, Son of Uma Shankar Thakur, Resident of Village- Manguraha,
P.S.- Tajpur, District- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

1. The Bharat Petroleum Corporation Limited, through its Managing Director, Bharat Petroleum Corporation Limited 12/E and F Maker Towers, Cuffe Parade, Mumbai, Maharashtra.
2. The Managing Director, Bharat Petroleum Corporation Limited 12/E and F Maker Towers, Cuffe Parade, Mumbai, Maharashtra.
3. The Head of Territory Office, Co-ordinator (Retail), Bharat Petroleum Corporation Limited, Muzaffarpur.
4. The Territory Manager (Retail), Bharat Petroleum Corporation Limited, Muzaffarpur.
5. The Assistant Manager Sales (Retail), Bharat Petroleum Corporation Limited, Muzaffarpur Territory, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prince Kumar Mishra, Adv.
For the Respondent/s	:	Mr.Siddhartha Prasad, Adv.
For the Resp. No. 1 to 5		Mr. Amresh Kr. Singh, Adv.
		Mr. Dineshwar Pd. Singh, Adv.

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

11 28-04-2026 Heard learned counsel for the parties.

2. The present writ petition has been filed for the following relief(s):-

“(a) For issuance of a writ in the nature of Certiorari, quashing the communication bearing reference No. BPC16953142793164 dated 24.12.2024, whereby and whereunder, it has been informed to the petitioner that his application for Award of RO dealership



at within 6 KM from DAV School, Kanti towards Marwan on Kanti Marwan Road District- Muzaffarpur, Bihar under OPEN category Advertised on 28.06.2023, has been found to be ineligible.

(b) For issuance of the writ in the nature of Mandamus directing and commanding upon the respondent authorities to consider the application of petitioner for Award of RO dealership at within at within 6 KM from DAV School, Kanti towards Marwan on Kanti Marwan Road District- Muzaffarpur, Bihar under OPEN category Advertised on 28.06.2023.

(c) For any other appropriate reliefs which may be given to the petitioner under the given facts of the case.”

3. It is the case of the petitioner that pursuant to the advertisement issued by the Respondent-Bharat Petroleum Corporation Ltd., the petitioner had made his application for RO Dealership. That prior to the date of submitting his application, the petitioner had entered into a lease deed with all the co-owners of the land offered to the authority. However, the authority without considering the lease deed, has rejected the application made by the petitioner on a vague and legally untenable ground.



4. Learned counsel appearing on behalf of the petitioner submits that the authorities have relied upon Clause 4 (vi)((a) of the Dealer Selection Brochure June 2023 and rejected the application made by the petitioner on legally untenable and non-existent ground. Learned counsel submits that as on the date of execution of the lease deed, all the co-owners of the property, i.e., the sons of the original owners, had executed the lease deed. That the reason for rejection of the application is on the ground that the other legal heirs of Late Harindra Prasad Pandey and Late Anirudh Pandey have not signed the lease deed. Learned counsel submits that all the legal heirs of the above two mentioned original owners had signed the lease deed and the daughters of the said two persons were not signatories to the lease deed as they were married long back. Counsel submits that subsequently also the land was mutated only in the names of the sons of the original two owners, who are the lessors of the leased land. Learned counsel has therefore prayed this Hon'ble Court to set aside the impugned order and direct the authorities to process the application made by the petitioner, duly taking into consideration the fact that the lease deed dated 12.09.2023 is a valid lease deed and is in consonance with the guidelines issued by the Respondent-Corporation.



5. Per contra, learned counsel appearing on behalf of Respondent-BPCL submits that the guidelines issued by the authority are clear and unambiguous. That as per Clause 4(vi)(a) of the Dealer Selection Brochure, June 2023, all co-owners of the property should jointly sign the lease deed. However, in the present case, the *Vanshabali* filed by the petitioner itself shows that besides the sons, the two original owners are having daughters and they have not signed the lease deed. Learned counsel submits that the daughters also have property rights as per the Hindu Succession Act and therefore, the authority was well within its exercise in rejecting the application made by the petitioner. Learned counsel has therefore prayed this Hon'ble Court to dismiss the present writ petition.

6. Admittedly, in the present case, the advertisement for establishment of a retail outlet of the Respondent-Corporation for RO dealership was issued on 28.06.2023 and the petitioner filed his application on 21.09.2023. That prior to submitting his application, the petitioner had entered into a lease deed with the sons of the original co-owners, namely, Late Harindra Prasad Pandey and Late Anirudh Pandey.

7. In order to resolve the issue involved in the present writ petition, it is necessary to extract the relevant provisions of



the guidelines issued by the Respondent-Oil Corporation more particularly, Clause 4(vi)(a) of the Dealer Selection Brochure June 2023, which reads as under:-

vi) Land (Applicable to all categories):

The applicants would be classified into three groups as mentioned below based on the land offered or land not offered by them in the application form: -

Group-1: *Applicants having suitable piece of land in the advertised location/area either by way of ownership/long term lease for a period of minimum 19 years 11 months or as advertised by the OMC.*

Group-2: *Applicants having Firm Offer for a suitable piece of land for purchase or long-term lease for a period of minimum 19 years 11 months or as advertised by the OMC.*

Group-3: *Applicants who have not offered land in the application. Only applicable for locations advertised under SC/ST category.*

Applications under Group-3 would be processed/advised to offer land (Annexure - D) only in case no eligible applicant is found or no applicant get selected under Group -1 & Group-2.

In case land offered by all the applicants under Group 1 & Group 2 is found not suitable/not meeting requirements, then these applicant/s under Group -1 & Group - 2 along with



applicants under Group 3 (who did not offer land along with application) would be advised by the OMCs to provide suitable land in the advertised location /stretch, within a period of 90 days from the date of issuance of intimation letter to them through SMS/e-mail. In case the applicant fails to provide suitable land within the prescribed period, or the land provided is found not meeting the laid down criteria, the application would be rejected.

The other conditions with respect to offering of land are as under: -

a) The land should be available with the applicant as on the date of application and should have minimum lease of 19 years and 11 months (as advertised by respective oil company) from the date or after the date of advertisement but not later than the date of application. If the offered land is on Long-term lease and there are multiple owners, then lease deed should be executed by all co-owners ; such lease deed shall be treated as invalid.”

8. A perusal of the above makes it abundantly clear that the land which is sought to be offered by the petitioner, if taken on lease, should be signed by all the co-owners as on the date of the application and it should be for a minimum lease of 19 years and 11 months. Admittedly, in this case, the lease deed



was not executed by the daughters of the above two persons, namely, late Harindra Prasad Pandey and late Anirudh Pandey, it was executed only by the sons. Irrespective of the fact as to whether subsequently the offered land was mutated in the names of only sons is of no consequences and it is to be noted that the order of mutation is dated 28.03.2025.

9. Having regard to the same, this Court does not find any merits in the present writ petition and the same is accordingly dismissed.

(A. Abhishek Reddy , J)

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