IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No.631 of 2023
With
I.A. No.11282 of 2023

Sanjay Kumar Dubey, son of Late Niranjan Kumar Dubey, resident of village Tatrapas, P.O. & P.S. Rajpur, District Chatra (Jharkhand)-825401.

..... Appellant.

-Versus-

1. India Oil Corporation Limited, through its Chief Manager, Indian Oil Bhawan, G-9, Ali Yavar, Jung Marg, Bandra (East), P.O. & P.S. Bandra (East), Mumbai-400051.
2. Divisional Manager, Indian Oil Corporation Limited, Ranchi Divisional Office, 2nd Floor, SPG Mart, Bahu Bazar Chauk, Old Hazaribag Road, Ranchi-834001 (Old Address)

   New Address- Indian Oil Corporation Ltd., Ranchi Depot, Namkom, P.O. & P.S. Namkom, District Ranchi-834010.
3. Ajit Kumar Singh, S/o Brinda Singh, R/o Khap Lawani, P.O. & P.S. Rajpur, District Chatra-825401.

..... Respondents.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellant : Mr. Sachin Kumar, Advocate
Ms. Aditi Raj, Advocate
For the Respondents: Mr. Rahul Lamba, Advocate
Ms. Kanu Priya, Advocate
Mr. Anish Kamal, Advocate

Reserved on 14.09.2026 **Pronounced on 21.09.2026**
Per: Rajesh Shankar, J.

1. I.A. No.11282 of 2023 seeks condonation of delay of 62 days in instituting the accompanying appeal.

2. We have perused the averments in the I.A. and we are satisfied that sufficient cause has been shown. Even otherwise, the delay is not inordinate.

3. Hench, the delay is condoned and I.A. No.11282 of 2023 is disposed of.

4. The present Letters Patent Appeal is directed against the judgment/order dated 22.08.2023 passed by the learned Single Judge, dismissing the writ petition being W.P.(C) No.3015 of 2021 filed by the petitioner/appellant.

5. The learned counsel for the appellant submits that the Divisional Manager, Indian Oil Corporation Limited, Ranchi Divisional Office (respondent no.2) invited applications from the interested eligible persons for appointment of Regular/Rural Retail Outlet (Petrol Pump) Dealership at various locations in the State of Jharkhand, including the location mentioned as "within 2 Kms. from Kanhachatti block towards Untamore, Block - Kanhachatti, District- Chatra" (hereinafter referred as 'the said dealership') under open category vide notice published in daily newspaper 'The Telegraph' dated 25.11.2018.

6. It is also submitted that pursuant to the notice dated 25.11.2018, the appellant submitted duly filled application annexing the required documents of the land appertaining to plot nos. 166 & 167, situated at Mouza – Tatra, P.S Rajpur, P.S No. 97, Anchal – Kanhachatti, District – Chatra along with requisite fee of Rs.8000/- on 23.12.2018 for allotment of the said dealership. Subsequently, the draw of lots for selection of the retail outlet (R.O.) dealership was conducted on 21.06.2019.

7. It is further submitted that the respondent-Corporation informed the appellant vide letter dated 22.6.2019 that he was declared as successful applicant in the said draw of lots. The appellant was further directed vide letter dated 27.06.2019 to remit Rs.40,000/-

through online mode towards initial security deposit and to submit the required documents as specified in the said letter within 10 days.

8. It is also submitted that the appellant remitted the initial security deposit of Rs. 40,000/ in favour of the respondent-Corporation and thereafter vide letter dated 14.10.2019, the respondent-Corporation informed the appellant that the Land Evaluation Committee (L.E.C.) of the Corporation would visit the site offered by him at the concerned location for inspection on 23.10.19 and he was asked to be personally present at the site on the said date along with photo identity card issued by any department of the Government and the relevant documents relating to the land.

9. Learned counsel for the appellant further submits that on 23.10.2019, the Land Evaluation Committee visited the site offered by the appellant. The said Committee verified the documents relating to the said land i.e. plot nos.166 & 167 including the map, 'Jamabandi' records and the rent receipts. After inspecting the proposed site and verifying the documents, the Land Evaluation Committee was quite satisfied with the land at plot no.167 owned and possessed by the applicant as the said plot was fulfilling the requirements mentioned in the Brochure for selection of dealership for Regular/Rural Retail Outlets (hereinafter referred as the Brochure).

10. It is also submitted that the appellant was shocked and surprised to receive the letter dated 29.02.2020 issued by respondent-Corporation, informing him that he was found ineligible for the

said dealership as the Land Evaluation Committee had found the site offered by him not fulfilling the required norms for awarding the dealership. The cause of ineligibility mentioned in the said letter was that the applicant was not in possession of the offered plot of required dimension and area.

11. Thereafter, the appellant made several representations including the representations dated 13.3.2020, 4.11.2020 and 13.7.2021 to the Deputy General Manager/Manager (Retail Marketing), Indian Oil Corporation Limited, Divisional Office, Namkum Depot, Ranchi against the rejection of his candidature relating to allotment of the said dealership, however the same were not responded.

12. The appellant then filed a writ petition being W.P.(S) No.3015 of 2021, however, the said writ petition was dismissed by the learned Single Judge vide order dated 22.08.2023 which has been challenged in the present appeal.

13. According to the learned counsel for the appellant, the learned single Judge failed to appreciate that if the uncles of the appellant were not considered as the family members under Clause 4(v)(e) of the said Brochure, they should have at least been treated as "third persons" and in such a situation, the consent given by his uncles in the form of an affidavit under Appendix IIIA was required to be taken into consideration by the respondent-Corporation.

14. It is further submitted that before issuing the letter dated 29.02.2020, the respondent-Corporation did not seek any

clarification from the appellant towards the objection with respect to the dimension and area of plot no.167, which was 20 decimals.

15. It is contended that the appellant had presented all the required documents of the said land before the Land Evaluation Committee during its spot visit on 23.10.2019 which fulfilled all the eligibility criteria for grant of the said dealership, however the respondent-Corporation arbitrarily declared him ineligible.

16. On the contrary, the learned counsel for the respondents submits that the said land was owned by the grandfather of the appellant who had died leaving behind his three sons and the father of the appellant had only 1/3rd share of the total area of 20 decimals i.e. 6.33 decimals of land (equivalent to 256 sq. mtr.) which was less than the required dimension and area as specified in the Brochure for Selection of Dealers for Regular & Rural Retail Outlets.

17. It is further submitted that the respondent-Corporation vide letter dated 29.02.2020 informed the appellant that his application under Group-1 category was found ineligible, since the land required with the required dimension and area was not in his possession. The said letter also mentioned that the application of the appellant would be considered for selection along with Group-3 applicants as per the guidelines.

18. It is also urged that the Letter of Intent for the said dealership has already been issued by the respondent-Corporation in favour of one Jitendra Kumar Dubey. The said fact was also stated in the supplementary counter affidavit dated 21.08.2023 filed before the writ court.

19. Heard the learned counsel for the parties and perused the materials placed on record.

20. Undisputably, as per the notice dated 25.11.2018 issued for allotment of the said dealership, the minimum required area of the land was 400 sq. meters with dimension of 20 meters x 20 meters. No doubt, the area of the land appertaining to plot no.167 offered by the appellant for allotment of the said dealership was 20 decimals and its dimension was 32 meters (front) and 20 meters (depth), which was more than the required dimension. However, the said land was recorded in the name of the grandfather of the appellant who died intestate. As such, the said land got devolved in his three sons having equal share.

21. The appellant has claimed that the said land came to his father's share and he was in possession of the same. The basis of the said claim was the land possession certificate of the said land issued in his favour by the Circle Officer, Kanhachatti. He was, however, not able to show any document suggesting ownership of the entire 20 decimals of land either before the respondent-Corporation or before the Writ Court which was mandatory for allotment of said dealership.

22. In view of the aforesaid fact, the respondent-Corporation considered his ownership only over the land measuring an area of 6.33 decimals (equivalent to 256 Sq. mtrs.) which was much less than the dimension required for allotment of the said retail outlet. The rest part of the land which was in the share of the uncles of the appellant, was not treated by the respondent-

Corporation as the land belonging to the family members as defined in Clause 4 (V) (e) of the said Brochure.

23. Learned counsel for the appellant has also contended that at least 21 days' time should have been given to the appellant by the respondent-Corporation before issuing the letter dated 29.02.2020 seeking clarification about the objection raised by the IOC with respect to the said land. The appellant has, however, failed to show before this Court as to what prejudice has been caused to him due to not giving him such opportunity. It is trite that not complying the principle of natural justice is not always fatal unless any prejudice is caused to the aggrieved person by such non-compliance.

24. Admittedly, the appellant along with his family members as described under Clause 4(v)(e) of the said Brochure did not have the exclusive ownership of the said land and thus he was not holding the minimum required area of land for allotment of the said dealership. The appellant could have been granted time only if the defect in any document filed by him was of curable nature. Since the appellant did not have the exclusive ownership of the land, even if he was provided further time, the same would not have changed the position. In such a situation, providing further opportunity to him would have been a futile exercise. That situation has rightly been avoided by the respondents by making offer to the next eligible applicant.

25. Further contention of the learned counsel for the appellant is that the case of the appellant should have been treated under Clause

4(v)(i) of the said Brochure by considering the affidavits of his uncles in the form under Appendix IIIA submitted along with the application. We do not find any substance in the said contention as the appellant had applied for allotment of the dealership under Group 1 for which the condition was that the applicant should have possessed suitable piece of land at the advertised location either by way of ownership or long-term lease for a period of minimum 19 years and 11 months. Moreover, the said condition should be read conjointly with the condition mentioned in Clause 4(v)(j) of the said Brochure. As per Clause 4(v)(j), if the ownership of the land relied upon by the applicant is with others, then the share of the applicant and/or his family members must be more than or equal to the land required by the respondent-Corporation. However, in the present case the appellant's share in the said land was only 6.33 decimals which was less than the land required by the respondent-Corporation.

26. In any view of the matter, the said dealership has already been awarded to one Jitendra Kumar Dubey and the retail outlet is stated to be already functioning. The said fact was averred by the respondent-Corporation by way of supplementary counter affidavit dated 21.08.2023 filed before the writ court itself. Thus, the appellant was having the knowledge of allotment of the said dealership in favour of Jitendra Kumar Dubey. Despite that, the appellant did not implead the said allottee as respondent before the writ court.

27. At the time of filing of the present appeal also, the appellant did not implead the allottee-Jitendra Kumar Dubey as respondent and after more than six months, he filed I.A No. 5885 of 2024 seeking deletion of the name of the respondent no.3 and impleadment of the allottee- Jitendra Kumar Dubey in the present appeal. Thus, due to the delay and latches on the part of the appellant, a third party right has been created with respect to the said dealership.

28. We have perused the judgment of the Hon'ble Supreme Court rendered in the case of ***Virender Chaudhary Vs. Bharat Petroleum Corporation and Others reported in (2009) 1 SCC 297,*** which has been relied by the respondent-Corporation. In the said case, the letter of intent was issued to the appellant on 06.05.2004, however, the respondent no.5 filed the writ petition only on or about 23.11.2004. The said writ petition was dismissed as withdrawn giving liberty to file fresh writ petition. The second writ petition filed by the respondent no. 5 was allowed by the High Court. In appeal, the Hon'ble Supreme Court held that the High Court had failed to take into consideration the effect of delay and laches on the part of the respondent no.5 in approaching the High Court. It was further held that a remedy under writ jurisdiction is discretionary in nature and the court exercises the said jurisdiction only upon satisfying itself that it would be equitable to do so. It was further held that the equitable principles have been repeatedly applied for not granting a relief and/or a limited relief in favour of the applicant in a case of this nature.

29. For the reasons as discussed above, we do not find any infirmity in the order dated 22.08.2023 passed by the learned single Judge in W.P.C No. 3015 of 2021.

30. The present appeal is, accordingly, dismissed.

31. Pending I.A., if any, is also dismissed

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

21st September, 2026
Sanjay/AFR
Uploaded on 23.09.2026