

(2020) 03 PAT CK 0012

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 15277 Of 2018

Ashish Kumar Singh

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision: March 6, 2020

Hon'ble Judges: Mohit Kumar Shah, J

Bench: Single Bench

Advocate: Swapnil Kumar Singh, Uma Shankar Verma, Amit Kumar Jha, Sanat Kumar Mishra

Final Decision: Dismissed

Judgement

The present writ petition has been filed for quashing the letter dated 28.06.2018 passed by the Chief Area Manager, Indane Area Office, Buxar,

whereby and whereunder the application of the petitioner for award of LPG distributorship at Sanokhar, District-Bhagalpur has been rejected and a sum of Rs. 40,000/- has been forfeited.

The brief facts of the case are that the petitioner is stated to have applied for allotment of LPG distributorship in pursuance to an advertisement

published in Hindi Daily "Dainik Jagran" on 17.06.2017 for the centre-Sanokhar. The application is stated to have been submitted by the

petitioner on 14.08.2017 whereafter he was requested to deposit a sum of Rs. 40,000/- by the respondent authorities and then the petitioner had

submitted the requisite documents as also a demand draft of Rs. 40,000/-. It appears that upon field verification, as far as the case of the petitioner is

concerned, it was found that the petitioner does not own land for showroom in the advertised location as on the last date of submission of the

application, hence the candidature of the petitioner was rejected vide the impugned order dated 28.06.2018.

The learned counsel for the petitioner has submitted that the impugned action of the respondent Company is illegal inasmuch as the land offered by the

petitioner for godown/showroom pertaining to the location Sanokhar is situated in Tulsipur Mauja which comes under the Sanokhar Gram Panchayat,

hence the respondent authorities have wrongly come to the conclusion that the petitioner does not have any own land for showroom in the advertised

location. In this connection, the learned counsel for the petitioner has referred to the "Nazri Naksa" at page no. 23 & 24 of the present writ

petition. It is thus submitted that the impugned order dated 28.06.2018 is fit to set aside.

Per contra, the learned senior counsel appearing for the respondent Indian Oil Corporation Limited has submitted that the advertisement in question

would itself show that the Location-Sanokhar under Gram Panchayat Sanhaura, Block-Sanhaura, Category-Open, District-Bhagalpur, was advertised

for setting up of new Gramin Vitrak, along with other locations on 17.06.2017 under Plan 2017-18. It is further submitted that after a draw of lots was

conducted at the office of the District Magistrate, Bhagalpur on 09.01.2018, the petitioner was declared as a selected candidate, however, the

issuance of letter of intent is always subject to field verification of the credentials of the applicants on the basis of the information provided by the

applicants and subject to the same meeting the Indian Oil Corporation's common eligibility criteria as per the terms of the advertisement. It is

further submitted that field verification was carried out by the respondent Company and the documents produced by the petitioner were also

considered whereupon it transpired that the registered sale deed in question of the lands offered by the petitioner for showroom are in the name of the

father of the petitioner and the offered land, bearing Khesra No. 35, 36, Mauja-Tulsipur, District-Bhagalpur, is not in the advertised location

"Sanokhar", District-Bhagalpur. Thereafter, the petitioner was asked to provide an alternative land in the advertised location, but he replied by

his letter dated 15.05.2018 that he has offered the only land available with him i.e. the one situated at Mauza-Tulsipur under Sanokhar Gram

Panchayat and he further accepted that he or his family unit does not have any other land in the location as on the last date of submission of

application. The learned senior counsel for the petitioner has further submitted that as per the criteria specified in the advertisement, the land for

showroom must be in the advertised location i.e. Sanokhar, in the present case, falling under Gram Panchayat Sanhauila, but during field verification, it

was found that the offered land is in Tulsipur under Gram Panchayat Sanokhar and admittedly by one kilometer away from the advertised location,

hence, applicant does not have own land for showroom as on the last date of submission of application. Accordingly, the proposal for cancellation of

the candidature of the petitioner was approved on 17.05.2018 and the impugned letter dated 28.06.2018 was issued to the petitioner herein, intimating

him about the rejection of his case for grant of LPG distributorship.

I have heard the learned counsel for the parties and perused the materials on record from which it is apparent that the advertisement in question

pertains to various locations and the location for which the petitioner has applied, has been clearly stated in the advertisement to be "Sanokhar"

Panchayat-Sanhauila, Block-Sanhauila, District-Bhagalpur. A bare perusal of the application form of the petitioner would show that the address of the

location of the land furnished by the petitioner for showroom has been mentioned as follows:- "Tulsipur, P.O.Sanokhar, P.S. Sanokhar, District-

Bhagalpur". In fact the letter of the petitioner dated 17.04.2018 (Annexure-9 to the writ petition) would also show that the land in question has been

admitted by the petitioner to be situated in "Tulsipur Mauja". Thus, it is clear that the land furnished by the petitioner for showroom is not located

in the advertised location "Sanokhar" falling under Gram Panchayat-Sanhauila and on the contrary the offered land is situated in Tulsipur Mauja,

though under Gram Panchayat Sanokhar, which is admittedly one kilometer away from the advertised location, hence this Court finds that the

petitioner does not own land for showroom at the advertised location "Sanokhar" and despite the respondent authorities granting ample

opportunity to the petitioner to provide an alternate land in the advertised location i.e. "Sanokhar", for the purposes of showroom, the petitioner

was unable to do so. Hence, this Court finds that the respondent authorities have rightly rejected the candidature of the petitioner vide the impugned order dated 28.06.2018. Consequently, I do not find any merit in the present writ petition, hence the same stands dismissed being devoid of any merit.