

Form J(2)

**IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
Appellate Side**

**Present :  
The Hon'ble Justice Bibek Chaudhuri**

**WPA 15507 of 2010**

**Pranab Kumar Bisoi  
Vs.  
Union of India & Ors.**

For the petitioner : Mr. Abhijit Ray  
Mr. Santu Nandy

**Item No.12**

**Heard & Judgement on : 26.09.2023**

**Bibek Chaudhuri, J.**

In spite of service of notice upon the learned advocate for the respondents, the respondents specially respondent Nos. 2, 3 and 4 are not represented by their learned advocate at the time of hearing of the instant writ petition.

The petitioner has challenged purported letter dated 17<sup>th</sup> June, 2010 issued by the Senior Regional Manager, HPCL rejecting the application for LPG distributorship of the petitioner on the ground that the petitioner's land does not fall within the Mouza/township of Goaltore in the district of Paschim Medinipur.

It is the case of the petitioner that a vacancy notice was published in a Bengali daily 'Anandabazar Patrika' on 17<sup>th</sup> October, 2009 for appointment of distributor of various villages and semi town in the State of West Bengal under the scheme "Rajiv Gandhi Gramin LPG Bitarka Yojana". In the said notification village Goaltore in the district of Paschim Medinipur was mentioned as a place where distributorship would be granted to an eligible applicant. In pursuance to such notification the petitioner filed an application along with prescribed fee in favour of the HPCL. On 29<sup>th</sup> January, 2010 as per requirement of HPCL the petitioner submitted all documents and he received a letter on 19<sup>th</sup> February, 2010 that he was qualified for draw for selection of distributorship under RGGLV. It is to be mentioned at this stage that LPG distributorship is selected on the basis of draw of lots.

That on 27<sup>th</sup> February, 2010 the petitioner was directed to report at its office situated at Paharpur, Kolkata-700088 on 14<sup>th</sup> March, 2010 at 11 A.M. for draw of lots. Subsequently, on 23<sup>rd</sup> April, 2010 the Executive Sales Officer of HPCL wrote a letter to the Block Land and Land Reforms Officer, Goaltore block stating, inter alia, that the petitioner had shown plot Nos. 17 and 18 of Mouza Kuchlasuli, J.L. No. 115, P.S. Goaltore as a place of business where he intended to construct his godown and shop room. The Block

Land and Land Reforms Officer was requested to advise HPCL as to whether the above mentioned plots are within the Goaltore village or not. On 24<sup>th</sup> June, 2010 the Block Land and Land Reforms Officer, Garbeta -II, Goaltore, Paschim Medinipur submitted a report to the Executive Sales Officer, HPCL stating, inter alia, that the township of Goaltore comprises of five mouzas, namely, Kuchlasuli, Bandi, Mailisai, Balibandh, Goaltore. It is stated in the said report that Goaltore mouza is a very small mouza and Goaltore village/township comprises of the above mentioned five mouzas. The Government offices, commercial establishment and other establishments of Goaltore are situated in the said five mouzas. Therefore, he clearly opined that Kuchlasuli mouza is within Goaltore village/township. However, even before submission of report of the Block Land and Land Reforms Officer, Senior Regional Manager of HPCL wrote a letter to the petitioner on 17<sup>th</sup> June, 2010 stating, inter alia, that the land shown during field verification is in mouza "Kuchlasuli" and it is not within the advertised town/village of "Goaltore". The petitioner subsequently made series of representations with the appropriate authority of HPCL but his representations were not taken care of.

So, the instant writ petition.

Having heard the learned advocate for the petitioner and on perusal of the impugned letter dated 17<sup>th</sup> June, 2010 this Court finds

that the respondent authority acted arbitrarily in unjust and improper manner because the respondents did not wait for the report of the Block Land and Land Reforms Officer and came to a conclusion that Goaltore village/town does not comprise of Goaltore mouza and Kuchlasuli. On the other hand, the report of BL& LRO who is an independent Government Officer having no interest in the subject matter submitted his report on 24<sup>th</sup> June, 2010 stating, inter alia, that Goaltore village/town consists of five mouzas and mouza Kuchlasuli is within village/town Goaltore.

It is submitted by the learned advocate for the petitioner that till date nobody is appointed as a distributor in village/town Goaltore and the matter is lying pending.

In view of such circumstances, the instant writ petition is disposed of directing the respondent Nos. 3 and 4 to dispose of the representation of the petitioner which the office of the respondents received on 28<sup>th</sup> June, 2010. Such representation shall be disposed of in the light of the report submitted by the Block Land and Land Reforms Officer on 24<sup>th</sup> June, 2010 within 60 days from the date of communication of this order.

The petitioner shall also be given liberty for hearing while disposing of the aforesaid representation.

With the above direction, the instant writ petition is **disposed**  
**of.**

There shall, however, be no order as to costs.

**(Bibek Chaudhuri, J.)**