

(2020) 01 RAJ CK 0276
In the Rajasthan High Court
Case No : Spl. Appl. Writ No. 1530 Of 2019

Raju Ram Beniwal

APPELLANT

Vs

Indian Oil Corp. Ltd. (IOCL) And Ors

RESPONDENT

Date of Decision : 30-01-2020

Acts Referred:

Citation : (2020) 01 RAJ CK 0276

Hon'ble Judges : Sangeet Lodha, J;Dr. Pushpendra Singh Bhati, J

Bench : Division Bench

Advocate : B.S.Sandhu, Sandeep Shah, Puneet Parihar

Final Decision : Dismissed

Judgement

1. This intra court appeal is directed against the order dated 4.12.19 passed by the learned Single Judge of this Court, whereby the writ petition preferred by the appellant aggrieved by the rejection of his candidature for allotment of retail outlet dealership for location "Village Nosar, Tehsil Lohawat, District Jodhpur" as the land offered by him was not in the advertised area, has been dismissed.

2. Mr. B.S.Sandhu, learned counsel for the appellant reiterating the contention raised before the learned Single Judge submitted that as per khasra jamabandi, the land offered by the appellant for establishment of the retail outlet is situated in "Bananiyo Ki Dhani, Nosar" in the patwar area Nosar and thus, his candidature has been wrongly rejected. Learned counsel submitted that Bananiyo Ki Dhani, Nosar is included within the area of village Nosar and therefore, the rejection of the appellant's candidature is absolutely unjustified. Learned counsel would submit that word 'area' must include the extended area of the village Nosar.

3. On the other hand, counsel appearing for the respondent-IOCL submitted that the advertised location was Village Nosar, Tehsil Lohawat and therefore, the candidates applying for the location were required to offer the land within the village Nosar and not within the patwar area Nosar, which consists of so many villages. Learned counsel drawing the attention of the Court on the material on

record, submitted that " Bananiyo Ki Dhani, Nosar" and "Nosar" are two different villages and thus, the candidature of the appellant has rightly been rejected.

4. We have considered the rival submissions and perused the material on record.

5. Indisputably, the land offered by the appellant for establishment of the retail outlet falls within khasra no.656/1 of revenue village Bananiyo Ki Dhani, Nosar in the patwar area Nosar. But then, the advertised location is village Nosar and not Bananiyo Ki Dhani, Nosar or any larger area as claimed by the appellant. It is not disputed before this Court that village Bananiyo Ki Dhani, Nosar is a new revenue village constituted out of the village Nosar long back in the year 2007. It is also not disputed that the land comprising khasra no.656 falls within the territorial limit of revenue village Bananiyo Ki Dhani, Nosar.

6. In the considered opinion of this Court, as per the terms of the advertisement, the candidates applying for establishment of retail outlet must offer the land at the advertised location and admittedly, the land offered by the appellant does not fall within the territorial limit of the advertised location i.e. village Nosar and therefore, his candidature has rightly been rejected by the respondent-IOCL.

7. For the aforementioned reasons, we are in agreement with the conclusion arrived at by the learned Single Judge.

8. No case for interference by us in intra court appeal jurisdiction is made out.

9. The appeal is therefore, dismissed. No order as to costs.