

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.1091 of 2018**  
**In**  
**Civil Writ Jurisdiction Case No.13754 of 2018**

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Vijay Sharma Son of Sri Ramadhin Mistri, Resident of Village- Lakhnu Bigha, Post- Ugawan, P.S.-  
Asthawan, District- Nalanda, Bihar- 811103.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Nalanda at Biharsharif.
3. The Deputy Collector Land Reforms, Nalanda at Biharsharif.
4. The Circle Officer, Asthawan, Nalanda.
5. The Anchal Amin, Asthawan, Nalanda.
6. Bharat Petroleum Corporation Limited represented through its Territory  
Manager (LPG), Patna.
7. The Deputy Manager (LPG), Bharat Petroleum Corporation Limited,  
Biharsharif.
8. The Assistant Manager, Sales (LPG), Bharat Petroleum Corporation Limited,  
Biharsharif (PVC Committee).

... .. Respondent/s

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This LPA Is directed against the order dated 27/07/2018 of learned Single Judge in CWJC number.  
13,754 / 2018 –Dismissing the said writ petition

The land offered by petitioner for granting the license. For opening of LPG Distributorship  
Comes under Mauja. “UGANWAN “--Refused by the authority - During the pendency of the  
proceeding, the license for LPG distributorship--. For the year. Has already been allotted / given to  
another person. Belonging to the same category --. And therefore. -- Third party rights are created.

Therefore. The only remedy now available to Appellant - To file a suit for damage.

Hence, under the circumstances, the present LPA stands Dismiss.

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 Biharsharif (PVC Committee).

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Niranjan Kumar, Advocate  
 Mr. Santosh Kumar, Advocate  
 Smt. Smita Prasad, Advocate

For the State : Mr. Fakhruddin Ali Ahmad, AC to AAG 12  
 For BPCL : Mr. Siddharth Prasad, Advocate  
 Mr. Om Prakash Kumar, Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE DR. JUSTICE RAVI RANJAN**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 14-08-2018**

Being aggrieved by the impugned judgment and order  
 dated 27.07.2018 passed by the learned Single Judge in CWJC No.  
 13754 of 2018 dismissing the said writ petition, the original  
 petitioner has preferred the present Letters Patent Appeal.



We have heard learned counsel appearing for the parties. Number of submissions have been made by the learned counsel appearing on behalf of the appellant on merits, more particularly, on the aspect of the land offered by the petitioner comes under Mouza Uganwan and, therefore, the authorities was not justified in refusing to allot/grant the licence for opening of L.P.G. Distributorship. However, it is required to be noted that it is not in dispute that during the pendency of the proceedings the licence for L.P.G. Distributorship for the year has already been allotted and given to another person belonging to the same category and, therefore, third party rights are created.

Therefore, the only remedy available to the appellant-writ petitioner would be to file a suit for damages. In case the appellant-original writ petitioner is still aggrieved, more particularly when the third party in whose favour now the L.P.G. Distributorship is given is not before the Court.

Under the circumstances on the aforesaid ground alone, the present appeal stands dismissed.

**(Mukesh R. Shah, CJ)**

**( Dr. Ravi Ranjan, J)**

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.08.2018
Transmission Date	N.A.

