

GAHC010269162025



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/7393/2025

JAKIE RABHA
SON OF DHAJENDRA RABHA, RESIDENT OF VILLAGE- SHYAMAGURI, P.O.
AND P.S. AGIA, DISTRICT - GOALPARA, PIN- 783120, ASSAM.

VERSUS

THE INDIAN OIL CORPORATION LIMITED AND 6 ORS
A PUBLIC SECTOR CORPORATION HAVING ITS REGISTERED HEAD
OFFICE AT ALLI YAVAR JUNG MARG, G- 9, BANDRA EAST, MUMBAI, PIN-
4000051, AND ITS STATE OFFICE AT INDIAN OIL BHAVAN, NOONMATI,
GUWAHATI-781020, ASSAM.

2:THE DIVISIONAL RETAIL SALES HEAD
IOCL
GUWAHATI DIVISIONAL OFFICE
4TH FLOOR
EAST POINT TOWER
BAMUNIMAIDAM
GUWAHATI-781019
ASSAM.

3:THE DISTRICT COMMISSIONER
GOALPARA
P.O. BALADMARI
ASSAM- 783101
(LAND REVENUE BRANCH).

4:SHANTARAM RABHA
HAVING APPLICATION FORM NO. IOC16958120888720
C/O THE MANAGER (RETAIL SALES)
IOCL
GUWAHATI DIVISIONAL OFFICE

4TH FLOOR
EAST POINT TOWER
BAMUNIMAIDAM
GUWAHATI-19.

5:DEEMY BRAHMA
HAVING APPLICATION FORM NO. IOC16970921971230
C/O THE MANAGER (RETAIL SALES)
IOCL
GUWAHATI DIVISIONAL OFFICE
4TH FLOOR
EAST POINT TOWER
BAMUNIMAIDAM
GUWAHATI-19.

6:MALIPA BALA RABHA
HAVING APPLICATION FORM NO IOC16975452843764
C/O THE MANAGER (RETAIL SALES)
IOCL
GUWAHATI DIVISIONAL OFFICE
4TH FLOOR
EAST POINT TOWER
BAMUNIMAIDAM
GUWAHATI-19.

7:RUPAK RABHA
HAVING APPLICATION FORM NO. IOC16957163082168
C/O THE MANAGER (RETAIL SALES)
IOCL
GUWAHATI DIVISIONAL OFFICE
4TH FLOOR
EAST POINT TOWER
BAMUNIMAIDAM
GUWAHATI-19

For the Petitioner(s) : Mr. K.P. Pathak, Advocate

For the Respondent(s) : Mr. K. Gogoi, Addl. Sr. Govt. Advocate
Mr. N. Baruah, Standing Counsel

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 18.12.2025

Issue notice making it returnable on 11.02.2026.

2. Mr. N. Baruah, the learned Standing Counsel, IOCL appears on behalf of the respondent Nos. 1 and 2 and Mr. K. Gogoi, the learned Additional Senior Government Advocate appears on behalf of the respondent No. 3 and accepts notice.

3. Extra copies of the writ petition be served upon the respective counsels by 19.12.2025.

4. As regards the respondent Nos. 4 to 7, it is seen that the petitioner seeks to serve them through the Manager (Retail Sales), IOCL, Guwahati , this Court therefore directs that the petitioner shall serve extra copies of the writ petition upon Mr. N. Baruah, the learned Standing Counsel who represents the respondent Nos. 1 and 2, so that service can be meted out upon the respondent Nos. 4 to 7 through the Manager (Retail Sales), IOCL, Guwahati.

5. The grievance of the petitioner herein is that the petitioner has been relegated to Group 3 vide a communication dated 17.07.2025.

6. It is the case of the petitioner that pursuant to an advertisement dated 28.06.2023 published in the portal of the respondent No. 1, the petitioner applied for allotment of a Retail Outlet between Solmari Junction and Agia Bus stop on NH-37 (Old)/NH-17 (New), on the left hand side towards Naranarayan Setu. The petitioner submitted his application on 17.10.2023 claiming consideration as a Group 1 category candidate on the basis of a registered Lease Deed entered into by and between the petitioner and one Sri Barindra Sutradhar and Sri Basanta Sutradhar.

7. A perusal of the registered Lease Deed dated 16.10.2023 enclosed as Annexure-6 to the writ petition would reveal that the lease pertains to a plot of land admeasuring 1 Bigha covered by Dag No. 90 under Patta No. 13 of Revenue Village Budhipara under Balijana Revenue Circle, District Goalpara. It is also pertinent to take note of that prior to the execution and registration of the Lease Deed, the petitioner as well as the lessors had obtained necessary NOC in terms with Section 21A of the Registration Act, 1908 insofar as applicable to the State of Assam.

8. In the draw of lots held amongst the Group 1 category candidates, the petitioner was provisionally selected. However, vide the impugned communication dated 17.07.2025, the

petitioner's candidature under the Group 1 category was rejected and the petitioner was relegated to the Group 3 category.

9. Mr. K.P. Pathak, the learned counsel appearing on behalf of the petitioner submitted that at the time when the Lease Deed was executed by and between the petitioner as well as his lessors, the lessors were co-owners of a plot of land admeasuring 2 Bighas 13 Lechas. At that relevant point of time, there was already a family partition which would be apparent from the affidavit filed by the other co-owner. However, pursuant thereto, upon partition being sought, the Revenue Authorities had already partitioned the land on the basis of an order dated 10.04.2025 which was prior to the impugned communication dated 17.07.2025. In that regard, reference was made to Annexure-11 to the writ petition whereby a new Record of Rights has been prepared in respect to the land leased out by the lessors to the petitioner. The learned counsel therefore submitted that the Respondent Authorities ought to have taken this aspect into consideration prior to issuance of the impugned communication, more so, when the Lease Deed was executed prior to the submission of the application form.

10. Mr. N. Baruah, the learned Standing Counsel appearing on behalf of the respondent Nos. 1 and 2 submitted that he would obtain instructions. He further submitted that it is required to be

looked into on the basis of the terms and conditions of the Brochure, as to whether, subsequent correction of the Record of Rights can be taken into consideration by the respondents.

11. This Court has given an anxious consideration as regards the respective submissions and it is the prima facie opinion of this Court that as the Lease Deed was executed prior to submission of the application form and the NOCs were also being issued by the respondent No. 3 prior to execution and registration of the Lease Deed and the subsequent correction of the records, the petitioner has been able to make out a case for passing of interim directions till the next date.

12. Accordingly, this Court passes the following interim directions:

(i) The impugned communication dated 17.07.2025 issued by the Head of Divisional Office, Guwahati Divisional Office, Indian Oil Corporation Limited to the petitioner is stayed till the next date.

(ii) The Respondent Authorities are at liberty, pending the notice to reconsider the case of the petitioner in view of the correction of the Record of Rights upon revenue partition, whereby the lessors of the petitioner have a clear right to lease the land in question.

13. List accordingly.

JUDGE

Comparing Assistant