



2026:AHC-LKO:21510-DB

AFR

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**WRIT - C No. - 1746 of 2022**

Radhvendra Awasthi

.....Petitioner(s)

Versus

Bharat Petroleum Corporation Ltd. Thru. Its Chairman Cum  
Managing Director And 2 Others

.....Respondent(s)

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Counsel for Petitioner(s) : Ram Pratap Singh Chauhan, Prashant Kumar  
Singh  
Counsel for Respondent(s) : Mohammad Ehtesham Khan, C.S.C.

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**Court No. - 3**

**HON'BLE SHEKHAR B. SARAF, J.  
HON'BLE INDRAJEET SHUKLA, J.**

1. This is a writ petition under Article 226 of the Constitution of India, wherein the writ petitioner has prayed for the following reliefs :

*"(a) Issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 29.01.2022, by which the Letter of Intent dated 07.03.2020 issued to the petitioner for the Retail Outlet at Newada Garhi (Kalyanmal), Kothawan-Mall Road on LHS on MDR 74C, District Hardoi, U.P. and the advertisement for location Newada Garhi (Kalyanmal), Kothawan-Mall Road on LHS on MDR 74C, District Hardoi, U.P. has been cancelled (as contained in Annexure No. 1 to the writ petition), after summoning the original records.*

*(b) Issue a writ, order or direction in the nature of mandamus commanding the opposite parties to allot and start the operation of the Retail Outlet at Newada Garhi (Kalyanmal), Kothawan-Mall Road on LHS on MDR 74C, District Hardoi, U.P. for which the petitioner has completed all the formalities as per the letter of intent dated 07.03.2020 within a specified period of time."*

2. The facts of the case reveal that the respondent-Corporation had come up with an advertisement on 25.11.2018 for setting up of Retail Outlet for petrol. Several locations were provided in the said advertisement and the petitioner applied for one such location at serial no. 443 of the said advertisement. The details of the location provided are as follows :-

443	गांव-नवादा गढ़ी (कल्याणमल), कोठवाँ- मॉलरोड, बाईं तरफ एमडीआर 74 C पर, जिला हरदोई	हरदोई	ग्रामीण	50	खुली श्रेणी	डीसी	30	30	900
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3. The petitioner's application was successful and after due verification he was granted a letter of intent on 07.03.2020. Subsequent to the same, the petitioner obtained all permissions and has expended a fair amount of money for establishing the said petrol pump. To his surprise, a letter was received by the petitioner on 30.11.2021 wherein a show cause notice was issued upon him in relation to withdrawal of the Letter of Intent (hereinafter referred to as 'LOI') issued to the petitioner with regard to the above location. The petitioner gave his reply and after affording opportunity of hearing to the petitioner, the impugned order cancelling/withdrawing the LOI was passed on 29.01.2022. In the said order, the authority concerned has categorically admitted that the mistake was indeed on their part and instead of the word 'ODR' (that reflects the term 'Other District Road'), the word 'MDR' ( that reflects the term 'Major District Road) was mentioned. It is admitted in the impugned order that apart from this typographical error there is no dispute with the location for which the petitioner has applied and the petitioner's application was complete in all other respects. The letter confirms that this investigation has been started due to a representation received by one Mr. Binod Pandey, Advocate Lucknow High Court dated 09.11.2020, which states that in the revenue records Kothawan Mall Road, Hardoi, the road is 'Other District Road' and not 'Major District Road'.

4. Per contra, Mr. Mohammad Ehtesham Khan, learned counsel appearing for respondent-Corporation submitted that the Land Evaluation Committee, after physical verification, wrote the letter dated 6th February, 2020 to Lekhpal Kalyanmal Sandila, District Hardoi, U.P. raising the query "whether Village Newada Garhi comes within revenue limit of village Kalyanmal of Tehsil Sandila in District Hardoi." In response to the same, the Lekhpal concerned submitted a written report that the land offered falls upon 'MDR' (Major District Road) and the advertised location falls within the periphery of Village Garhi Newada Kalyanmal, District Harhoi.

5. Further contention advanced by counsel for the Corporation is that the location in question falls on 'ODR' (Other District Road) and not on 'MDR' (Major District Road) as there is no 'MDR' (Major District Road) upon which location/Village in question exist and the report of Lekhpal itself was misleading as the location lies on 'ODR' (Other District Road).

6. Upon perusal of all the documents, it is clear that several persons had applied for this particular location and the petitioner had emerged as a successor. No complaint had been made with regard to the location and the letter of Mr. Binod Pandey, Advocate, High Court, Lucknow dated 09.11.2020 is the first such representation

received by the authorities.

7. On examination of contention raised by respondent Corporation it comes out that there is no MDR upon which village Newada Garhi (Kalyanmal), Kothawan-Mall Road is situated, thus serious dispute of identity of location does not exist. Counsel for the respondent-Corporation utterly failed to demonstrate that the identity of location published in the advertisement for establishing of Retail Outlet could be doubted. To establish identity of location in relation to road upon which it is existing other features including name of village etc. was also mentioned in the advertisement published. It is neither the case of Corporation while passing the impugned order nor any case set up by alleged complainant Mr. Binod Pandey or anybody from the public that the advertisement in question with respect to location could not be understood in rem. It is further not the case of anybody that any interested person was deprived from applying for the dealership of the Retail Outlet. In light of the same, if reasons set up in the impugned order are examined, it cannot be said that the cancellation was for the larger public cause.

8. The query posed by respondent-Corporation and response of Lekhpal concerned if read together, it comes out that there is no dispute with respect to identity of location published in the advertisement in question.

9. Upon a careful perusal of the documents, it is clear that the description provided in the advertisement is only defective with regard to one letter of the English language, that is the letter 'M' has been wrongly written in place of the letter 'O'. The location is otherwise complete in all respects. In our view, such an error is a typographical error and cancelling the dealership including the letter of intent that has been issued to the petitioner in the year 2020 after the period of two years would not be just unfair but would also be without any basis in law. One has to keep in mind that the petitioner has proceeded with the letter of intent, expended a huge some of money in creation of the petrol pump giving rise to a right of legitimate expectation that the authority shall continue with the project and the letter of intent issued to him.

10. The counsel for the petitioner in order to buttress his submission relied upon Constitution Bench judgment of Hon'ble Supreme Court reported in **(2024) 3 SCC 799, Sivanandan C.T. and others Vs. High Court of Kerala and others**, and submitted legitimate expectation is an elementary requirement of the guarantee against arbitrary state action, as enshrined in Article 14 of the Constitution. Further, submission is public authority must justify the denial of a person's legitimate expectation by resorting to overriding public interest which respondent-Corporation failed in view of reasoning offered in the impugned order as no public interest is said to have been espoused by virtue of impugned order.

11. Further submission is, a decision of a public authority taken without any basis in principle or rule is unpredictable and is therefore arbitrary and antithetical to the rule

of law. The rule of law promotes fairness by stabilizing the expectations of citizens from public authorities. The principles summarized by aforesaid Constitution Bench in paragraph nos. 40, 45 and 57.2 & 57.3 are extracted as under :-

*"40. The principle of fairness in action requires that public authorities be held accountable for their representations, since the State has a profound impact on the lives of citizens. Good administration requires public authorities to act in a predicable manner and honour the promises made or practices established unless there is a good reason not to do so. In Nadarajah [R. (Nadarajah) v. Secy. of State for the Home Deptt., 2005 EWCA Civ 1363] , Laws, L.J. held that the public authority should objectively justify that there is an overriding public interest in denying a legitimate expectation. We are of the opinion that for a public authority to frustrate a claim of legitimate expectation, it must objectively demonstrate by placing relevant material before the court that its decision was in the public interest. This standard is consistent with the principles of good administration which require that State actions must be held to scrupulous standards to prevent misuse of public power and ensure fairness to citizens.*

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*45. The underlying basis for the application of the doctrine of legitimate expectation has expanded and evolved to include the principles of good administration. Since citizens repose their trust in the State, the actions and policies of the State give rise to legitimate expectations that the State will adhere to its assurance or past practice by acting in a consistent, transparent, and predictable manner. The principles of good administration require that the decisions of public authorities must withstand the test of consistency, transparency, and predictability to avoid being regarded as arbitrary and therefore violative of Article 14.*

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*57.2. An individual who claims a benefit or entitlement based on the doctrine of substantive legitimate expectation has to establish the following : (i) the legitimacy of the expectation; and that (ii) the denial of the legitimate expectation led to a violation of Article 14;*

*57.3. A public authority must objectively demonstrate by placing relevant material before the court that its decision was in the public interest to frustrate a claim of legitimate expectation;"*

12. Sri Mohammad Ehtesham Khan, learned counsel for the respondents has submitted that the action taken by the Corporation was on the basis of the representation made by Mr. Binod Pandey and the report submitted by the Executive Engineer PWD. He however fairly submitted that the error in location was a technical one and no complaint had been received by anybody till the receipt of the letter of Mr. Binod Pandey after a period of two years and particularly nobody from public had raised any objection that he was deprived of submitting an application for allotment of Retail Outlet in question due to incorrect mention of name of location in question.

13. Keeping in mind the fact that the error in location was only a typographical error, the impugned order is quashed and set aside with the direction upon the authorities to continue with the letter of intent issued to the petitioner.

14. The writ petition is **allowed**.

**March 25, 2026**  
Pratima

**(Indrajeet Shukla,J.) (Shekhar B. Saraf,J.)**