

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 4232 of 2010

- M/s Yashdev Kisan Seva Kendra (Petrol Pump), Through Its Proprietor Smt. Meena Patel, W/o Balram Patel, Aged About 38 Years, R/o Village Dabhara (Baramkela), Tahsil Sarangarh, Distt.-Raigarh (Cg)

---- Petitioner

Versus

1. Chairman/Managing Director, Retail Outlet Bharat Petroleum Company Ltd., 4 & 6 Currimbhoy Road, Ballard Estate, P.B.No.688, Mumbai - 400001.
2. Area Manager Retail Outlet, Bharat Petroleum Company Limited, P.O.L. Depot, Bijli Nagar, G.E. Road, Bhilai, Distt.-Durg (Cg)
3. Pradeep Shringi S/o R.K. Shringi, Miththumuda, Raigarh, Distt.-Raigarh (Cg)
4. Executive Engineer (O&M), Division-II, Chhattisgarh State Electricity Distribution Company Limited, (Near Gopi Talkies) Raigarh, Distt. Raigarh (CG)

---- Respondent

For Petitioner : Shri Rajeev Shrivastava, Advocate
For Respondent No.1 & 2 : Shri Tarkeshwar Nande, Advocate under the authority of Shri Sourabh Sharma, Advocate.
For Respondent No.3 : Shri Sanjay Patel, Advocate.
For Respondent No.4 : Shri Alox Baxi, Advocate.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

01/09/2015

Pursuant to advertisement dated 28.5.2005 (Annexure P/1) issued by respondents No. 1 & 2 for allotment of petrol/diesel outlet dealership in relation to several villages including Kanchanpur (Baramkela Road), respondent No.3 was selected as dealer and after completion of all the formalities including that of lease agreement, permission from the Electricity Board, NOC from the Collector and District Magistrate, respondent No.3 has started its petrol pump. The petitioner who had neither applied for allotment of petrol pump nor had to do anything with the said allotment has filed the present petition questioning the allotment of outlet dealership in favour of respondent No.3 and sought issuance of writ of mandamus directing respondents No. 1 & 2 to

cancel the allotment of petrol/diesel outlet dealership in favour of respondent No.3. The petitioner has also prayed for direction to respondents No. 1 & 2 to comply with the provisions of all the procedure for selection of petrol/diesel outlet dealership.

2. In the return filed by respondents No.1 & 2 it has been stated that the petitioner itself is operating retail outlet dealership of Indian Oil Corporation Ltd. at Lodhiya, Baramkela Road, Tashil-Sarangarh, Distt. Raigarh and the sole grievance and interest of the petitioner is not to have any competitor nearby its petrol pump so that it can enjoy its monopoly. Further defence taken by respondents No. 1 & 2 in their return is that once the petitioner was not a participant/candidate, it has no right to question about the procedure for selection. In their return, respondents No. 1 & 2 and other respondents have further justified as to the manner in which the petrol/diesel outlet dealership was allotted in favour of respondent No.3.

3. Admittedly, this petition is not a public interest petition and once the petitioner itself has not made any application for allotment of petrol pump in question, there is no occasion for entertaining this petition at the behest of the petitioner. Without further entering into merits and demerits of the submissions made by the parties, this Court is of the considered view that this petition in its present form is not maintainable. If the petitioner so desires, it may file appropriate petition in public interest or may avail the other remedy available to it under the law. The petition is, accordingly, dismissed.

Sd/

(Pritinker Diwaker)

Judge