

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1193 of 2015

1 M/s Walraj Service Centre A Partnership Firm Duly Registered Under The Relevant Provisions Of The Partnership Act, 1932 Acting In The Premises Through Its Partner Smt. Khalida Afaq, Widow Of Late Afaq Mohammad, Aged About 65 Years, Resident Of Green Park, Jarhabhata, Bilaspur (Chhattisgarh)

2. Smt. Khalida Afaq, W/o Late Afaq Mohammad Aged About 65 Years Partner- M/s Walraj Service Station Resident Of Green Park, Jarhabhata, Bilaspur (Chhattisgarh) Civil & Revenue District Bilaspur.

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Ministry Of Food & Civil Supplies, MahanadiBhawan, Mantralaya, Naya Raipur, District Raipur.

2. The Collector (Food Department), District Bilaspur.

3. Hindustan Petroleum Corporation Ltd., Through Its Area Manager, Mandir Manzil, Medical College Road, Raipur (Chhattisgarh)

4. Smt. E. Kasturi Rao Wd/o Late E. Ashok Rao Aged About 70 Years Resident Of Narmada Nagar, Mangla Chowk, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

5. Smt. A. Vinita Prasad W/o Shri A. Venu Prasad Aged About 44 Years Through Their General Power Of Attorney Holder- Smt. E. Kasturi Rao, Wd/o Late E. Ashok Rao, Aged About 70 Years, Resident Of Narmada Nagar, Mangla Chowk, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

6. Smt. P. Nandita W/o Shri P. Harish Aged About 42 Years Through Their General Power Of Attorney Holder- Smt. E. Kasturi Rao, Wd/o Late E. Ashok Rao, Aged About 70 Years, Resident Of Narmada Nagar, Mangla Chowk, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

7. Smt. K. Ranjita, W/o Shri K. Fanindranath Aged About 39 Years Through Their General Power Of Attorney Holder- Smt. E. Kasturi Rao, Wd/o Late E. Ashok Rao, Aged About 70 Years, Resident Of Narmada Nagar, Mangla Chowk, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

---- Respondents

For Petitioner : Shri B.P.Sharma, Advocate
For Respondent / State : Shri R.K.Gupta, Dy.A.G.
For Respondent No.3 ; Shri Ali Asgar, Advocate

Order

14/07/2015

Heard.

The petitioner has filed this petition for quashing letter dated 22/05/15 as also for direction to restrain respondent / licensing authority from cancellation of dealership license and to allow the petitioner to run the retail outlet without any interference of the authorities.

2. Learned counsel for the petitioner argued that the petitioner is the authorized dealer of respondent No.3. Under the dealership agreement, the petitioner is running the business of petrol and diesel outlet in the city. In order to sell the petroleum products, the petitioner has been duly licensed by the Collector under the provisions of M.P. Motor Split and High Speed Diesel Oil (Licensing & Control) Order, 1980.

It is submitted that the licensing authority, without any jurisdiction, has sent the impugned letter to the petroleum company to get the lease of the land renewed. According to learned counsel for the petitioner, the text and tenor of the impugned letter dated 22/05/15 give rise to reasonable apprehension in the mind of the petitioner that in the event, lease deed is not renewed by its owner / respondent No.4, the Collector, as licensing authority, may immediately proceed to seize the premise and cancel the license of the petitioner.

3. It appears that the letter has been issued by the Collector to the petroleum company, upon receipt of information from the owner of the plot that lease granted in favour of petroleum company has already expired. The petitioner is only an agent of the petroleum company. Irrespective of the legality and validity of the letter, such communication of the Collector to the petroleum company, the petitioner, being an agent of the petroleum company has no locus to challenge the said letter as that letter, by itself, does not amounts to cancellation of license of the petitioner. In the matter of lease, the petitioner is foreign to the proceedings. It is a matter between the lesser and the lessee and the agent of the lessee, without authority of the lessee, has no locus to challenge the letter issued by the licensing authority to the petroleum company.

4. In so far as the petitioner is concerned, this petition is premature. There is nothing on record to show that notice has been issued proposing to cancel his license on any ground, whatsoever. What would be the effect and impact of expiry of lease on the

license granted in favour of the petitioner, would be a matter for consideration only in the event, the respondent / Collector initiates proceeding towards cancellation of license of the petitioner. In the spirit of the Rules of 1980, if any adverse action is proposed against the petitioner by the licensing authority, the petitioner would be entitled to a prior notice and sufficient time to submit his reply against proposed action of cancellation of license. Therefore, in the aforesaid factual premise, in my opinion, this petition is premature.

5. Accordingly, this petition is disposed off reserving liberty to the petitioner to take recourse to remedy under the law as may be available to him, in the event, the respondent / licensing authority proceeds to cancel his license or takes any other coercive step towards closure of the petrol pump.

Sd/-
Manindra Mohan Shrivastava
Judge