

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No.2611 of 2017**

1. Ashok Gupta S/o Haridas Gupta, Aged About 52 Years R/o Haldibadi Chirmiri, Tahsil Manedragarh, Police Station Chirmiri, Tahsil & Revenue Korea, District Korea Chhattisgarh.
2. Minhaj Khan, S/o Shri Ekramullah Khan, Owner Of Vehicle Bearing Registration No. C G 16 C B 0490, R/o G. M. Complex, Podi, West Chirmiri, Korea, District Korea Chhattisgarh.

---- Petitioners**Versus**

1. Indian Oil Corporation Limited Through The Regional Manager Raipur Division Office, Indian Oil Bhavan, Rajiv Gandhi Marg, (V.I.P. Road) P.O. Ravigram, Telibandha, Raipur, District Raipur Chhattisgarh.
2. The Collector, Baikunthpur District Korea Chhattisgarh.
3. M/s M. N. Roy & Sons, Through The Proprietor, Dealer : Indian Oil Corporation Limited, P.O. Haldibadi (Chirmiri), District Korea Chhattisgarh.
4. The Station House Officer, P. S. Chirmiri, District Korea Chhattisgarh.
5. The Food Officer, Baikunthpur District Korea Chhattisgarh.

--- Respondents

For Petitioners	: Mr. Prateek Sharma, Advocate
For State	: Mr. Shashank Thakur, Govt. Advocate
For Respondent No.1	: Mr. Anand Shukla, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****25/09/2017**

- (1) Learned counsel appearing for the petitioners would submit

that the impugned order dated 21.07.2016 filed as Annexure P/1 is unsustainable and bad-in-law.

(2) Learned counsel appearing for respondent No.1 would submit that the petitioners' are not aggrieved persons and they have no locus to challenge the impugned order.

(3) Admittedly, petitioner No.1 herein has not made any complaint to any of the authorities, therefore, he is not an aggrieved person against the impugned order. So far as petitioner No.2 is concerned, on 29.01.2016 he has made a complaint to the Station House Officer that due to fueling petrol from the petrol pump of respondent No.3, his vehicle has suffered some mechanical defects and as such, no such complaint appears have to be made by petitioner No.2 also.

(4) The Supreme Court in the matter of **Jasbhai Motibhai Desai Vs. Roshan Kumar Haji Bashir Ahmed and others** reported in AIR 1976 SC 578 held as under:-

“In order to have the locus standi to invoke certiorari jurisdiction, the petitioner should be an “aggrieved person”. The expression “aggrieved person” denotes an elastic, and, to an extent, an elusive concept. Its scope and meaning depends on diverse, variable factors such as the content and intent of the statute of which contravention is alleged, the specific circumstances of the case, the nature and extent of the petitioner's interest, and the nature and extent of the prejudice or injury suffered by him.”

(5) In the present case neither petitioner No.1 nor petitioner No.2 has the *locus* to challenge Annexure P/1 by which some penalty has

been imposed to respondent No.3 and as such the writ petition deserves to be and is accordingly dismissed. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-