

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1541 of 2017**

Indian Oil Corporation Limited Through Senior Divisional Retail Sales Manager, Raipur Divisional Office, Indian Oil Bhawan, Rajiv Gandhi Marg (V I P Road), Post Ravigram, Telibandha, Raipur (C.G.).

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Food And Civil Supply, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur (C.G.).
2. The Collector, Korea, District Korea (C.G.).
3. The Additional Collector, District Korea (C.G.).
4. South Eastern Coalfields Limited, Through General Manager/ Deputy Regional Manager, Kurasia Colliery, Tahsil Katgavan, Chirmiri Region, District Korea (C.G.).
5. The Chief Manager (Mining)/ Sub Area Manager, Kurasia Colliery, Tahsil Katgavan, Chirmiri Region, District Korea (C.G.).
6. Ravi Pataria S/o Ramesh Pataria, Aged About 32 Years R/o Bada Bazar, Ward No. 32, Chirmiri, District Korea (C.G.).

---- Respondents**And****WPC No. 2747 Of 2017**

Ravi Pataria S/o Ramesh Pataria, Aged About 32 Years R/o Bada Bazar Ward No. 29 Chirmiri, District Korea Chhattisgarh

---- Petitioner**Vs**

1. State Of Chhattisgarh Through The Secretary, Department Of Food & Civil Supplies, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur District Raipur Chhattisgarh
2. Commissioner, Surguja Division, Ambikapur Surguja Chhattisgarh
3. Collector - Cum District Magistrate, Korea, District Korea Chhattisgarh
4. Additional Collector, Korea, District Korea Chhattisgarh
5. Indian Oil Corporation Limited, Through The Senior Divisional Sales Manager, Raipur Divisional Office, India Oil Bhawan, Rajiv Gandhi Marg

(V I P Road) Post Ravigram Telibandha, Raipur Chhattisgarh

6. South Eastern Coalfields Limited, Through General Manager/ Deputy Regional Manager, Kurasia Colliery, Tahsil Katgavan, Chirmiri Region, District Korea Chhattisgarh
7. The Chief Manager (Mining) / Sub Area Manager, Kurasia Colliery, Tahsil Katgavan, Chirmiri Region, District Korea Chhattisgarh

---- Respondents

For Petitioners : Shri Anand Shukla & Shri B.D. Guru, Advocates.
For Respondent No. 1 to 3 : Shri Shashank Thakur, Govt. Advocate.

For Respondents No. 4 & 5 : Shri Vinod Deshmukh, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

12/10/2017

(1) Since common question of law and fact is involved in both the writ petitions, they are being disposed of by this common order.

(2) Learned counsel appearing for the respective petitioners would submit that No Objection Certificate (NOC) was granted in favour of the petitioners to install retail outlet at the location of Chirmiri Area, but on objection being made by SECL, NOC dated 25.5.2016 has been cancelled without hearing the petitioner as well as his allottee – Ravi Pataria, petitioner in WPC No. 2747/2017 and, therefore, the impugned order is bad and unsustainable in law.

(3) Mr. Thakur, learned counsel for the State submits that respondent No. 6- Ravi Pataria was properly heard and thereafter NOC dated 25.5.2016 was cancelled. He submits that the NOC dated 25.5.2016 was cancelled taking into account the objection raised by the SECL.

(4) Mr. Deshmukh, learned counsel for the SECL submits that NOC issued

to the petitioner for installation of retail outlet at Chirmiri area has rightly been cancelled by the Collector. He further submits that if the petitioner is allowed to open the petrol pump in the mining area, it may be dangerous for the people who are residing at the said area. He submits that the petitioner has also an alternative remedy before the appellate authority against the cancellation of NOC.

(5) I have heard learned counsel appearing for the parties and considered their rival submissions made hereinabove, and gone through the record with utmost circumspection.

(6) Be that as it may, the No Objection certificate was granted by the Collector-cum-District Magistrate in favour of the petitioner. Admittedly no notice was issued to the petitioner and even he was not heard before passing the impugned order, which is in violation of principles of natural justice and, therefore, the impugned order dated 1.4.2017 is liable to be and is hereby set aside. Consequently, the appellate order dated 18.07.2017 affirming the order passed by the Collector dated 01.04.2017 is also liable to be and is hereby set aside. The matter is remitted back to the Collector-cum-District Magistrate for hearing and disposal in accordance with law after hearing the affected parties and to pass the reasoned and speaking order expeditiously preferably within a period of one month from the date of receipt of certified copy of this order.

(7) Accordingly, the writ petitions are allowed to the extent indicated hereinabove.

Sd/-

(Sanjay K. Agrawal)
Judge

