

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 499 of 2017**

1. Ashok Gupta S/o Shri Hridas Gupta, Aged About 52 Years R/o Haldibadi Chirmiri, Tahsil Manendragarh, Police Station Chirmiri, Tahsil And Revenue Korea, District Korea Chhattisgarh., Chhattisgarh
2. Minhaj Khan S/o Shri Ekramullah Khan Owner Of Vehicle Bearing Registration No. CG-16CB-0490, R/o G. M. Complex Podi, West Chirmiri, Korea, Ditric Korea Chhattisgarh.

---- Appellants**Versus**

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

---- Respondents

For Appellant	: Shri Prateek Sharma, Advocate.
For Respondent/State	: Shri UNS Deo, Government Advocate.
For Respondent/IOCL	: Shri Prafull N Bharat with Shri Anand Shukla, Advocates.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Sharad Kumar Gupta, J.

Judgment on Board

Per Thottathil B. Radhakrishnan, Chief Justice

24/01/2018

1. This appeal is against the judgment of the learned Single Judge issued on 25.09.2017 in Writ Petition (C) No. 2611 of 2017.
2. We have heard the learned counsel for the Appellant, learned counsel for the 1st Respondent-Indian Oil Corporation Ltd. and the learned Government Advocate.
3. The 1st Petitioner and the 2nd Petitioner joined in instituting the writ petition by pleading that they were supplied adulterated Diesel from the outlet of the 3rd Respondent, who is a dealer of the Indian Oil Corporation Ltd. and that the action taken by the Government officials in closing a particular seizure and consequential action, is unsustainable. The plea is that the 2nd Petitioner filled fuel in his truck from the 3rd Respondent's outlet and the 1st Petitioner purchased fuel for his Genset. According to the Petitioners, they suffered loss and damage with the use of adulterated fuel. It is also the contention of the Petitioners that the 1st Petitioner's name was dragged into the episode by the 3rd Respondent projecting a case that the 1st Petitioner was instrumental in planting the adulterant in the premises of the 3rd Respondent.
4. Under challenge before the learned Single Judge was Annexure P/1, which is merely the action taken against the 3rd Respondent. The learned Single Judge rightly found that the Petitioners cannot have any cause of action and they cannot be termed as 'aggrieved persons' *in re*, the order dated 21.07.2016, impugned in the writ petition. The learned Single Judge

also found that even if the Petitioners have any grievance against the 3rd Respondent or any other person in relation to the episode, appropriate jurisdictions would be elsewhere.

5. We see that the learned Single Judge was abundantly justified in excluding any adjudication in the writ court as to what was the cause of the complaint of the Petitioners or what had actually led to the alleged seizure of materials from the premises of the 3rd Respondent. They are not germane for consideration at the instance of the Petitioners in writ jurisdiction; though, the Petitioners, who are the Appellants before us, would be entitled to seek relief in appropriate jurisdiction against the 3rd Respondent, if there is any legal right in them to seek any remedy in accordance with law from any jurisdiction. We see no legal infirmity or jurisdictional error in the impugned judgment.
6. In the result, this appeal is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Sharad Kumar Gupta)
JUDGE