

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2019 of 2018**

1. Vishnu Dayal Agrawal S/o Late Roopchand Agrawal, Aged About 72 Years R/o Ward No. 7, Near Ram Mandir, Sakti, Tahsil Sakti, District Janjgir Champa Chhattisgarh.

---- Petitioner**Versus**

1. Hindustan Petroleum Corporation Limited A Government Of India Enterprises, Through Its General Manager, 17 Jamshedji Tata Road, Mumbai, Maharashtra.
2. Senior Regional Manager, Hindustan Petroleum Corporation Limited, Madina Manjil, 2nd Floor, Medical College Road, Raipur, District Raipur Chhattisgarh.
3. General Manager Hindustan Petroleum Corporation Limited, 771, Anandpur, Opposite EM Bypass, Calcutta.
4. Chief Vigilance Officer, Hindustan Petroleum Corporation Limited, Petroleum Hosue, 17, J, Tata Road, Church Gate, Mumbai, Maharashtra.
5. Abhimanyu Kumar Gabel, S/o Devnarayan Gabel, Aged About 42 Years R/o Amandula, Tahsil Malkharouda, District Janjgir Champa Chhattisgarh.
6. Indian Oil Corporation Limited, Through Its Senior Regional Manager, VIP Road, Telibandha, Ravigram, Raipur, District Raipur Chhattisgarh.
7. Union Of India, Through Secretary, Ministry Of Road, Transport And Highways, Parivahan Bhawan No. 1, Sansad Marg, New Delhi.
8. Superintending Engineer (S,R&T) Roads, Parivahan Bhawan No. 1, Sansad Marg, New Delhi.
9. National Highways Authority Of India, Ministry Of Road, Transport And Highways, Through Its Chairman, Head Officer G-5 & 6, Sector -10, Dwarika, New Delhi, 110075.

---- Respondent

For Petitioner

Shri Prasoon Agrawal, Advocate

For Respondent No.1 to 4

Shri Ali Asgar, Advocate

Order On Board**By****Prashant Kumar Mishra, J.****27/08/2018**

1. Petitioner is operating a petroleum retail outlet at Agrasen Chowk, Sakti. He is aggrieved by selection of the respondent No.5 for allotment of dealership of a retail outlet for the reason that the said outlet is situated within 700 mtrs. distance from the existing petrol pump of the petitioner.
2. Admittedly, the petitioner was not an applicant in the selection process in which the respondent No.5 has been selected for allotment of retail outlet. The main thrust of the argument is on the guidelines floated by the Oil Company for establishment and allotment of retail outlet on the ground that it violates clauses 4.6.3, 4.6.4 and 4.7 of the guidelines, however, a perusal of the guidelines particularly clause 4.6.2 would clearly indicate that the minimum distance between two fuel stations along the highway would be 300 mtrs. In such a case, service road shall be provided and entry/exit point of the service road shall meet the requirements specified for acceleration/deceleration lanes (where there is undivided carriageway for both sides of carriageway).
3. While dealing with the petitioner's complaint on the subject, the company has passed the order Annexure-P/1 with reference to clause 4.6.2 (1) of the guidelines mentioning that the land

offered by the respondent No.5 is on NH-49 which is undivided carriageway. Inter distance between two petrol pumps in this case would be 300 mtrs. and the statement made by the petitioner to the contrary is not factually correct for NH passing through urban stretches. Complaint made by the petitioner and other complainants have also been dealt with elaborately in the impugned order and the petitioner has not been able to point out that any of the reasoning provided by the Oil Company falls foul of the guidelines. It has also found that the area in question is an urban area.

4. It is settled law that the authority competent to pass orders under any statute or guidelines is like an expert body when it has passed the order with reference to certain guidelines and the same is not interferable in writ jurisdiction unless the same is palpably illegal and perverse.
5. The Supreme Court in **B.K. Muniraju v State of Karnataka and Others**¹ held thus at para 22 :

22. It is settled law that a writ of certiorari can only be issued in exercise of extraordinary jurisdiction which is different from appellate jurisdiction. The writ jurisdiction extends only to cases where orders are passed by inferior courts or tribunals or authorities in excess of their jurisdiction or as a result of their refusal to exercise jurisdiction vested in them or they act illegally or improperly in the exercise of their jurisdiction causing grave miscarriage of justice. In regard to a finding of fact recorded by an inferior tribunal or

¹ (2008) 4 SCC 451

authority, a writ of certiorari can be issued only if in recording such a finding, the tribunal/authority has acted on evidence which is legally inadmissible, or has refused to admit an admissible evidence, or if the finding is not supported by any evidence at all, because in such cases the error amounts to an error of law. It is needless to mention that a pure error of fact, however grave, cannot be corrected by a writ.

6. In view of the detailed reasoned order passed by the Oil Company dismissing the petitioner's complaint on all aspects, this Court having examined the material available on record does not find any good ground to interfere in the instant petition.
7. As a sequel, the writ petition, being bereft of merit, is liable to be and is hereby dismissed at the admission stage itself.

Sd/-

Judge
Prashant Kumar Mishra

Gowri