

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 660 of 2018**

Balram Singh Dhurve S/o Jageshwar Singh Aged About 52 Years R/o Village Rajpurikala, Tahsil Lakhanpur District Surguja Chhattisgarh.

---- Appellant**Versus**

1. Vishal Agrawal S/o Shri Kailash Agrawal Aged About 36 Years R/o Lakhanpur, Tahsil Lakhanpur, District Surguja Chhattisgarh.
2. Bharat Petroleum Corporation Limited, A Government Of India Enterprise, Through Its General Manager, H O, 12/enf Marker Towers, Cuffe - Parade, Post Box No. 19949, Mumbai, Registered Office Bharat Bhawan, 4 And 6, Currimbhoy Road, Ballard Estate, Mumbai (Maharashtra)
3. Senior Regional Manager, Bharat Petroleum Corporation Limited, Shahid Veer Narayan Singh Complex, Gandhi, Chowk, Raipur District Raipur Chhattisgarh.
4. General Manager, Bharat Petroleum Corporation Limited, Ho 12/12/enf Marker Towers, Cuffe Parade, Post Box No. 19949, Mumbai, Registered Office Bharat Bhawan, 4 And 6, Currimbhoy Road, Ballard Estate, Mumbai (Maharashtra)
5. Chief Vigilance Officer, Bharat Petroleum Corporation Limited, 12/enf Marker Towers, Cuffe Parade, Post Box No. 19949, Mumbai, Registered Office Bharat Bhawan, 4 And 6, Currimbhoy Road, Ballard Estate, Mumbai (Maharashtra)
6. Indian Oil Corporation Limited , Through Its Senior Regional Manager, Vip Road, Telibandha, Ravigram, Raipur District Raipur Chhattisgarh.
7. Collector, Surguja District Surguja Chhattisgarh.
8. National Highways Authority Of India, Ministry Of Road Transport And Highways, Through Its Chairman, Head Office, G-5 And 6, Sector 10, Dwarika New Delhi 110075

---- Respondents

For Appellant	: Shri Prafull N. Bharat, Advocate.
For Respondent/State	: Shri Gary Mukhopadhyay, Government Advocate.
For Respondent No.1	: Shri Manoj Paranjpe, Advocate.
For Respondents No.2 to 4	: Shri Sourabh Sharma, Advocate.
For Respondent No.6	: Shri Anand Shukla, Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

25/09/2018

Per Ajay Kumar Tripathi, Chief Justice

1. I.A. No.01 of 2018 has been filed to condone delay of 201 days in instituting the appeal. For the reasons indicated in the application, the same is allowed. Delay is condoned.
2. Appeal has been preferred against the order dated 21.11.2017 passed by the learned Single Judge whereby the writ application was disposed off directing Respondents No.1 to 3 i.e. the authorities of the Bharat Petroleum Corporation Limited to consider the grievances raised in the writ application in relation to installation of the retail outlet at Juna Lakhanpur, Surguja.
3. Submission of counsel for the Appellant is that neither any notice was issued to him nor was he given an opportunity of hearing. Not only this, he also submits that in fact, Bharat Petroleum Corporation Limited is not the concerned authority to decide such objections, especially when the objection related to the grant of permission for setting up of a retail outlet which are said to be in violation of the norms of the National Highway Authority of India/Ministry of Road Transport and Highways.
4. Be that as it may, one of the primary reason why this writ appeal has been preferred is because despite being a necessary party he was not heard and even an innocuous direction which has a fallout upon the Appellant affects his right so the order ought to be set aside.
5. Since the order in question has been passed in clear violation of the rules of natural justice and the Appellant was a necessary party, the impugned order dated 21.11.2017 is set aside and the appeal is allowed.

6. Before parting, the Court is informed that some kind of decision has been already taken in terms of the directions issued by the learned Single Judge by the said Respondents which is further a subject matter of challenge in another writ application. It is clarified that the said writ application shall be decided on its own merits after hearing all the parties to the dispute taking into consideration the objections, even if it is preliminary in nature, for consideration.
7. The appeal stands allowed in terms of the above.
8. In view of the submission so made, this habeas corpus petition is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE