

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL No.329 OF 2017

JUDGMENT: (Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)

We have heard the learned standing counsel for the appellants - Hindustan Petroleum Corporation Limited (HPCL) and its local officials.

2. In terms of a policy, which provided for grant of licence for petroleum outlets in the rural areas, a particular outlet was given on a land belonging to the petitioners in W.P.No.31347 of 2010. Later, HPCL noticed that there was an apparent error in the grant and choice of the land of those persons since the parcel of land that they had offered abutted National Highways or State Highways, which was expressly excluded from the sites of which petroleum outlets could be granted for rural sector. The attempt would have been to ensure that there is no unhealthy competition between the people who are granted licences along side National Highways and State Highways on the one hand and those who may get licences under the rural sector on the other hand, but yet would be able to show land abutting National Highways or State Highways running through a particular rural area.

3. The fact of the matter remains that after the grant, the petitioners in W.P.No.31347 of 2010 commenced operations on the said piece of land with the help of HPCL establishing the petroleum outlet.

4. A rival dealer in petroleum and the licensee of yet another petroleum company instituted W.P.No.8505 of 2010 challenging the grant in favour of the petitioners in W.P.No.31347 of 2010. That writ petition No.8505 of 2010 stands dismissed on the ground that a rival in business has no *locus standi* to challenge the grant of petroleum dealership licence by a particular petroleum company.

5. The writ petition by the allottees of the petrol pump, who are the petitioners in W.P.No.31347 of 2010 was allowed by the learned single Judge interfering with the cancellation of that licence by the HPCL holding that the petroleum outlet was established and it was running without the petitioners having suppressed any material facts. It would essentially be a question whether HPCL had granted a petroleum outlet licence over a parcel, which could not have been considered in view of the requirement that licences under the rural quota could go only to rural areas and also by excluding the lands abutting National Highways and State Highways.

6. In the absence of any Appeal by the rival competitor, who is a dealer of yet another company and having regard to the quality of the findings rendered by the learned single Judge, we are of the view that there is no error of law or injustice resulting out of the exercise of authority by the learned single Judge in terms of Article 226 of the Constitution of India. We are of the view that no grounds exist to entertain this Letters Patent to sustain this intra Court Appeal. This Writ Appeal, therefore, fails.

In the result, the Writ Appeal is dismissed. Miscellaneous petitions pending, if any, shall stand closed. No costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

RAMESH RANGANATHAN, J

18.07.2018
Pln/vs

