

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WPC No. 1977 of 2012**

M/s Gopal Automobiles Through Partner Shri Rajkumar Agrawal, S/o Late L.P.Agrawal, Dealer H.P.C.L., Bilaspur Road, Katghora, Thana and Distt Katghora, Distt Korba, Chhattisgarh **--- Petitioner**

**Versus**

1. State of Chhattisgarh through the Collector Korba, Thana and Distt Korba, Chhattisgarh
2. Sub Divisional Officer Katghora , Dist. Korba District : Korba, Chhattisgarh
3. Asst. Food Officer Katghora, Korba District : Korba, Chhattisgarh
4. Hindustan Petroleum Corp. Ltd., through its Regional Manager, Madina Manzil, Medical College Road, P.S. Moudhapara Dist. Raipur Chhattisgarh **--- Respondents**

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For the Petitioner : Mr. Ashish Surana, Advocate.

For the State/R-1 to R-4 : Mr. Sudeep Verma, Dy.G.A.

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**09.08.2019**

1. The challenge in this writ petition is to the order dated 26.10.2012 (Annexure P-1) wherein a communication was made by the Food Inspector, Khatghora that a restraint order was passed restraining the petitioner from selling the stock of fuel i.e., 37027 litres of High Speed Diesel and 17376 litres of petrol available in three under-ground tanks of the petitioner's retail out-let petrol pump namely M/s. Gopal Automobiles. The said order purports that the retail outlet petrol pump was sealed until further orders. That apart, the record would also reveal that by a letter dated

03.11.2012 (Annexure P-5), a show cause notice was issued to the petitioner as to why his license may not be cancelled. The order sheet of this Court dated 09.11.2012 would show that when the initial sealing order dt. 26.10.2012 was challenged, the same was stayed. The effect and operation of the order reads as under:

*"In the meantime, having regard to the facts situation as afore-stated, the effect and operation of the impugned order dated 26.10.2012 (Annexure P-1) is stayed, however, it is made clear that if the authorities have found any discrepancy or irregularity, it is open to them to proceed in accordance with law, if so advised."*

2. Therefore, apparently it appears that the sealing which was subjected to challenge with respect to petrol pump has already been lifted and after a lapse of 7 years from 2012, naturally the said diesel and petrol which was initially stocked in the pump have been sold. The show cause notice dated 03.11.2012 (Annexure P-5) for cancellation of licence was also issued. It is contended on behalf of the petitioner that till date nothing has been heard about the out-come of such show cause even after filing of the reply.
3. Since the original sealing order was already stayed which by all implication would point out that the petitioner was allowed to operate the petrol pump, in such circumstances after a lapse of 7 years, no purpose would be served to keep this petition pending. If the show cause notice still holds the field, the State would be at liberty to act upon it and in the circumstances the order dated 26.10.2012 (Annexure P-1) so far as it relates to sealing is quashed. It is further observed

that if the petitioner is aggrieved by the stand/decision to be so taken by the State, he may challenge the same in future.

4. With the above direction/observation, this petition stands finally disposed of.

**Sd/-  
GOUTAM BHADURI  
JUDGE**