

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 500 of 2016

M/s Antulal & Sons Partnership Firm Registered under The Indian Partnership Act, 1932 Main Road, Korba through Its Partner Ajay Budhia, Aged About 55 Years, S/o Late Shyam Sundar Budhia, R/o Behind Antulal & Sons Petrol Pump, Main Road, Korba, Tahsil Korba, Civil & Revenue District Korba Chhattisgarh. **--- Petitioner**

Versus

1. State of Chhattisgarh through the Secretary Department of Food, Civil Supplies & Consumer Protection, Mahanadi Bhawan, Mantralaya, Post & P S Mandir Hasaud, Raipur Chhattisgarh,.
2. Collector, Food & District Magistrate, Korba District : Korba, Chhattisgarh
3. Food Officer Korba, Collectorate Food Korba District : Korba, Chhattisgarh
4. Tahsildar Korba Chhattisgarh, District : Korba, Chhattisgarh
5. Indian Oil Corporation Limited Through The Regional Manager, Raipur Division, Raipur Division, Indian Oil Bhawan, Rajeev Gandhi Marg, V I P Road, Telibandha, Raipur District : Raipur, Chhattisgarh
6. Mohan Lal Jain, S/o Shri L.K. Jain, Aged About 55 Years R/o Darri Road, Kroba, Tahsil & District Korba District : Korba, Chhattisgarh
7. Allahabad Bank Bilaspur Branch, Through The Branch Manager, Branch Office At Idgah Chowk, Bilaspur District : Bilaspur, Chhattisgarh
8. P. Dayanand Collector- Korba District : Korba, Chhattisgarh **--- Respondents**

For the Petitioner	:	Mr. Varun Sharma, Advocate
For the State	:	Mr. Rahul Jha, Govt. Advocate
For respondent No.6	:	Mr. Akhilesh Mishra, Advocate
For respondent No.7	:	Mr. Faiz Kazi, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.04.2019

1. In this petition, the order dated 08.02.2016 Annexure P-1 passed by the Collector Korba canceling the licence of

petitioner is under challenge. Apart from cancellation, the Collector has also directed that the possession of part of land should be handed over to the persons who claimed for cancellation of licence.

2. During the course of arguments, it is contended that subsequently the Collector by order dated 30.05.2016 has reviewed his order dated 08.02.2016 and that part of the order to the effect that the possession to be handed over to the plaintiff was deleted/dropped. The same is filed as Annexure R-1.
3. A perusal of the order dated 12.2.2016 (Annexure P-11) passed in WP(C) No.1789/2015 shows that the proceedings of cancellation of licence was challenged wherein this Court has observed that the order passed by the Collector is an order of a quasi judicial Authority and since the said order of cancellation of licence dated 08.02.2016 is appealable as per the Control Order dated 1980, appeal would lie before the Commissioner under Rule 16 of the said Control Order.
4. It has not been disputed that vide order dated 30.05.2016 Annexure R-1, certain part of direction to the effect that the possession of the disputed land be handed over to the plaintiff was deleted/dropped by the Collector.
5. In view of the changing circumstances, the petitioner would be at liberty to challenge the order of cancellation of licence dated 08.02.2016 before the appellate forum i.e., Commissioner. It is further observed that the petitioner if so advised may file appeal before the Commissioner with an application u/s 5 of the Indian Limitation Act to condone the delay stating the reasons that this writ petition was pending

before this court since long and in the event of such an appeal being filed, the same shall be decided objectively taking into fact that the writ petition was pending before this court. The petitioner shall be at liberty to prefer such appeal within a period of 45 days from today along-with necessary application to condone the delay.

6. With respect to the possession part of the petrol pump, the possession as has been ordered by this Court on 29.02.2016 wherein the Indian Oil Corporation has been put into possession shall continue till the appeal is decided on merits and shall be subject to the order passed by the Commissioner in appeal.
7. Certified Copy of the order Annexure P-1 be returned to the petitioner after retaining the photocopy of the same.
8. With the above observation, this petition is disposed of.

**Sd/-
GOUTAM BHADURI
JUDGE**