

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2318 of 2019**

1. M/s Motilal Service Station Through The Partner, Smt. Sumitra, Devi Saraf Wd/o Late Shri Motilal Saraf, 71 Years, R/o Infront of Ageya Nagar, Vyapar Vihar Road, Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. The Controller Of Explosives Government Of India Petroleum And Explosives Safety Organization, Avanti Vihar Colony, Main Road, Post Shanker Nagar, Raipur,
2. Indian Oil Corporation Limited Through The Chief Divisional Manager, Raipur, Divisional Office, Indian Oil Bhawan, Rajiv Gandhi Marg, Post Ravigram, Telibandha, Raipur,
3. The District Magistrate Bilaspur, District Bilaspur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Prafull N. Bharat, Advocate
For Respondent No.1	:	Shri Vaibhav P. Shukla, Advocate on behalf of Shri B. Gopa Kumar, ASG for the Union of India
For Respondent No.2	:	Shri Aditya Tiwari, Advocate
For Respondent/State	:	Shri Sudeep Verma, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****12/07/2019**

1. Heard.
2. The present petition is against the order dated 22.05.2019 passed by the respondent No.1 Controller of Explosives whereby the interim suspension of license has been ordered, which said to have granted to M/s Motilal Service

Station, Link Road, Bilaspur qua Indian Oil Corporation bearing No.P/CC/CG/14/239 (P43060).

3. Learned counsel for the petitioner would submit that he is the licensee having a petrol outlet named & styled as Motilal Service Station, Bilaspur. He would further submit that the entire land wherein the above petrol pump situates in over an area of 154503 sq. feet out of which 0.94 decimil i.e. 410 sq. feet land was taken on lease by the petitioner from one Lakhanlal at the time of inception of the petrol pump. Subsequently, Lakhanlal had filed a suit for ejectment, wherein the decree for ejectment was passed in respect of 410 sq. feet of land on 12.05.2000, against which the first appeal was preferred, which too was dismissed on 20.02.2019. He would further submit that in the meanwhile the decree holder namely Lakhanlal had made a complaint to the respondent No.1, wherein in exercise of power under Rule 152 of the Petroleum Rules, 2002, the interim suspension has been made, which has the effect of stoppage of sale of the retail out let of the petitioner. He would further submit that two letters which are shown dated 19.03.2019 and 30.04.2019 were not addressed to the petitioner and if such letters would have been addressed to the petitioner he would have satisfied the fact as even if 410 sq. feet land is taken away, it would not amount to affect as the licensee has another spot for storing the petroleum.
4. Be that as it may, primary documents which are placed on record would show that the license was granted to Indian Oil Corporation by the Controller of Explosive. The petitioner claims that he was selling the petrol as a retail outlet on the basis of such license at Motilal Service Station, Bilaspur. In the facts of this case since the petitioner would be an affected party by suspension of license, the opportunity is granted to the petitioner to place all the documents

before the Indian Oil Corporation in respect of the ejectment case along with the affected area, which in turn the Indian Oil shall submit to the explosive controller, thereafter the controller of explosive shall take into account the documents and effect thereof and shall pass the order.

5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu