

CWP No.13728 of 2014

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP No.13728 of 2014(O&M)  
Date of Decision: 17.07.2019

Jagdish Bhalla

.....Petitioner

versus

Union of India and others

.....Respondents

**CORAM HON'BLE MR. JUSTICE ARUN MONGA**

Present Mr.Gaurav Chopra, Advocate for the petitioner.  
Mr. Raman Sharma, Advocate for respondents no.2 and 3.  
Mr. Tarandeep Kumar, Advocate  
for Mr. D.S.Pheruman, Advocate for respondent no.4.  
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**ARUN MONGA, J (ORAL)**

Concededly, the present petition has been filed by father of Mr. Sanjeev Kumar, who is an allottee of a retail outlet of M/s Indian Oil Corporation. His son has set up his Petrol Pump in Majitha Town, Amritsar, which is in close vicinity to another outlet of M/s Hindustan Petroleum, allotted to respondent no.4. Petitioner seeks mitigation of his alleged grievance that a scam is being committed rampantly by M/s Hindustan Petroleum Corporation Ltd. / respondent no.2 in allotment of its outlet to *Benami Allottees*.

On a query posed by this Court that the grievance of the petitioner being not personal why has he not preferred a Public Interest Litigation, the learned counsel for the petitioner fairly submits that this petition has neither been filed in public interest nor otherwise any personal grievance is spelt out in the petition.

In the premise, in view of the judgment rendered by Hon'ble

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Supreme Court in The Nagar Rice and Flour Mills and others v. N.Teekappa Gowda and others 1971 AIR(SC) 246, wherein it has been held as below:-

*“Competition in the trade or business may be subject to such restrictions as are permissible and are imposed by the State by a law enacted in the interests of the general public under Article 19 (6), but a person cannot claim independently of such restriction that another person shall not carry on business or trade so as to affect his trade or business adversely. The appellants complied with the statutory requirements for carrying on rice milling operations in the building on the new site. Even assuming that no previous permission was obtained, the respondents would have no locus standi for challenging the grant of the permission, because no right vested in the respondents was infringed.”*

the writ petition is dismissed as being not maintainable having been instituted at the behest of competitor to challenge the allotment by another allottee. However, the dismissal of present petition shall not preclude the petitioner to avail his remedy which otherwise may be available under law.

**17.07.2019**  
**mamta**

**(ARUN MONGA)**  
**JUDGE**

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |