

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 731 of 2020**

Sanjay Bareth S/o Shri Shyam Lal Bareth Aged About 41 Years R/o
Mudapar, Tehsil And District Korba Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Revenue Department, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Raipur Chhattisgarh.
2. Collector Korba, District Korba Chhattisgarh.
3. Sub Divisional Officer Korba, District Korba Chhattisgarh.
4. Bharat Petroleum Corporation Ltd. Through Territory Manager (Retail) Saheed Veer Narayan Singh Nagar, Ghadi Chowk, Raipur Chhattisgarh.
5. Anita Agrawal W/o Sunil Kumar Agrawal Aged About 47 Years R/o Morga, R.I. Circle Podi Uroda, District Korba Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Sanjay Patel, Advocate
For State	:	Mr. Anshuman Shrivastava, P.L.
For Respondent No.4	:	Mr. Sourabh Sharma, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****24/02/2020**

1. The relief sought for by the petitioner in the present writ petition is for an appropriate direction to the Collector, Korba to pass an order after conducting an inquiry in respect of the land over which the respondent No.5 has moved her claim for allotment of a dealership of the respondent No.4-Corporation for operating a Petrol and Diesel Outlet.
2. During the course of the hearing, it has been revealed that the petitioner was not one of the applicants, who has made an application for allotment of dealership. The petitioner seems to be one of the local resident at the place, where the respondent No.5 had offered for dealership.

3. The contention of the petitioner is that the place at which the respondent No.5 intends to operate the dealership outlet is one, which was under the forest area known as "**Bade Jhad ka Jangal**" and therefore the said property cannot be permitted by the Collector to be used for the Petrol and Diesel dealership outlet.
4. On the contrary, the counsel appearing for the Corporation submits that from the documents enclosed along with the writ petition itself, it is evidently clear that the Collector himself has passed an order on 23.09.2019 in respect of khasra No. 41/47 and on 27.01.2020 in respect of khasra No. 41/48, whereby it has been reflected that the said properties since stand diverted for commercial use.
5. The counsel for the Corporation further submits that the order of diversion has been done, after a due reports from the Revenue authorities were obtained and therefore as on date there is no illegality as such reflected on the part of the Corporation in proceeding further with the allotment of dealership.
6. What primarily strikes the mind of this Court is that the petitioner since is not an applicant for the said allotment of dealership, no right of the petitioner as such is adversely affected in any manner on the action to be taken by the respondent No.4. The only apprehension of the petitioner is the authority of the Commissioner in diverting the land, which otherwise falls under the forest area known as "**Bade Jhad ka Jangal**" for commercial purpose is concerned. Nothing prevents the petitioner to raise objections before the respondent no.2 in this regard if at all and on such objection being made, the respondent No.2 can also consider the same in accordance with law. As of now, this Court is of

the opinion that on selection of dealers initiated by the respondent no.4 is concerned, the petitioner does not have locus to challenge the action of the respondent no.4 so also in the selection of the respondents No.5 for the simple reason that the petitioner is not an applicant for the said dealership.

7. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved