

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 886 OF 2020**

- Rukman Kumar Chauhan, S/o Shri Jaidhan Kumar Chauhan, aged about 48 years, R/o Village Kokbahal, Post- Dongripali, Tahsil Baramkela, District Raigarh (CG)

... Petitioner**versus**

1. Hindustan Petroleum Corporation Limited (A Government of India Enterprise), through- Chairman & Managing Director, Registered Office- 17, Jamshed Ji Tata Road, Mumbai (Maharashtra) PIN 400020.
2. Bilaspur Retail Regional Office, Hindustan Petroleum Corporation Limited, through- its Head of Regional Office, 1st Floor, Bajpai's Pavillion, Opposite Gumbhar Petrol Pump, Vyapar Vihar Road, Bilaspur (CG)
3. Jugal Kishore Dehri, S/o Shri Dhaniram Dehri, aged about 52 years, R/o Village Kokbahal, Post Dongripali, Tahsil Baramkela, District Raigarh (CG)

... Respondents

For Petitioner	:	Mr. Roop Naik, Advocate.
For Respondents 1 & 2	:	Mr. Ali Asgar, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****12/03/2020**

1. Grievance of the petitioner in the present writ petition is the Annexure P-1, dated 2.1.2020, whereby the petitioner has been found ineligible in Group-1 for allotment of the retail outlet dealership at District Raigarh within 2km of village Kokbahal and thereby placing him in Group-3 for allotment of dealership.
2. The primary contention of the learned counsel for the petitioner is that before issuance of Annexure P-1, dated 2.1.2020, the respondents have not given an opportunity of hearing to the petitioner. According to the learned counsel for the petitioner, the petitioner has been found ineligible on the ground that there was a government land standing in between the offered land by the petitioner and the main road. He submits that the petitioner has already approached the State Government for grant of NOC for the use of the said land and pending the said application for issuance of NOC, the respondents should not have declared the petitioner ineligible.
3. At this juncture, it would be relevant to take note of the following relevant clause of the guidelines, which deals with the selection of retail outlet dealership:

“I) It should be the responsibility of the applicant to ensure that as on date of application:-

- i) Offered land is of required dimension and abutting the Road boundary, after leaving Right of Way (ROW) line of the road.
- ii) The offered land is also not notified for acquisition.
- iii) Land owner is in Possession of the land from the beginning/edge of ROW line.
- iv) There is no other land including Govt. land between ROW and offered plot.

Note : In case it is found at later stage that the offered plot is not meeting any of the above conditions then in such case the offered land would be rejected and candidate will be given opportunity along with applicants under Group 3 by intimation through SMS/e-mail.”

From the plain reading of the aforesaid clause, it would clearly reflect that it was emphatically made clear in the guidelines themselves that there should be no other land including government land between the offered land and the road.

4. From the contentions raised by the learned counsel for the petitioner and from the findings given in Annexure P-1, dated 2.1.2020, it clearly reflects that between the offered land and road there was a government land situated at Khasra No. 43/1.

5. Given the aforesaid admitted factual matrix of the case, the decision of the respondents, in declaring the petitioner ineligible at the first instance so far as Group-1 is concerned and placing him in Group-3 in terms of the guidelines, is not in any manner arbitrary, bad in law or illegal. The action on the part of the respondents is strictly in accordance with the procedure prescribed and following the guidelines laid down for the same.

6. The writ petition therefore sans merit and the same deserves to be and is dismissed accordingly.

/Sharad/

Sd/-
(P. Sam Koshy)
JUDGE