

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 275 of 2020**

*{Arising out of order dated 25.02.2020 passed by the learned Single Judge in Writ
Petition (C) No. 752 of 2020}*

- Sahdev Gond S/o Shri Panchram Gond Aged About 40 Years R/o Village Semra, Post Office Gidhouri, Police Station Gidhouri, Tahsil Kasdol, District Baloda Bazar Bhatapara Chhattisgarh.

---- Appellant**Versus**

1. Indian Oil Corporation Limited Registered Office, Indian Oil Bhawan, G-9, Yavar Jang Marg Bandra (Eas) Mumbai 400051 Maharashtra.
2. Divisional Officer Indian Oil Corporation Limited V.I.P. Road, Post Ravi Gram, Telibandha, Raipur, District Raipur (C.G.)

---- Respondents

For Appellant	:	Shri N.K. Chatterjee and Shri Nasimuddin Ansari, Advocates.
For Respondents	:	None.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu, Judge****Judgment on Board****Per P. R. Ramachandra Menon, Chief Justice****12.06.2020**

1. The dismissal of the writ petition filed by the Appellant to interdict the orders passed by the 1st Respondent/Indian Oil Corporation, rejecting the candidature / application for starting an oil retail refilling outlet is the subject of matter challenge in this appeal.
2. Heard Shri N.K. Chatterjee and Shri Nasimuddin Ansari, the learned counsel appearing for the Appellant at length.

3. The sequence of events reveals that, pursuant to the notification issued by the Oil Company to sanction a retail outlet in the location as specified therein, the Appellant also made an application. According to the learned counsel, the Appellant had satisfied all the relevant requirements. However, the Appellant was given to understand that his application might not be entertained. It was in the said circumstance, that the Appellant had approached this Court by filing Writ Petition (C) No. 4624 of 2019, when the grievance of the Petitioner therein was directed to be considered. Pursuant to the direction, the matter was considered and the application was held as not maintainable, by virtue of the fact that the property offered by the writ Petitioner was situated on the side of the State Highway; whereas commencement of the 'rural outlet' on the side of State Highway or National Highway was not permissible as per the guidelines. This made the Appellant/writ Petitioner to move this Court again, by filing Writ Petition (C) No. 752 of 2020.
4. The merit of the case was considered by the learned Single Judge and after hearing, it was held that, as per the relevant guidelines, the 'rural outlet' shall not be located on the side of State Highway or National Highways. In the said circumstance, the course of action pursued by the 1st Respondent/Indian Oil Corporation was held as not liable to be interdicted. The learned Single Judge also observed that, in the writ petition, the guidelines dated 24.11.2018 were not under challenge and hence no interference was possible under any circumstances. This is put to challenge in this writ appeal.
5. The learned counsel for the Appellant submits that the guidelines could not be challenged by the Appellant, because copy of the guidelines was never issued to the Appellant at any point of time. We do not find any force in the said submission, insofar as it was always for the party concerned to have verified the relevant norms for issuance of the 'rural outlet'. Admittedly, the property

offered by the Appellant does not satisfy the requirements as per the notification issued w.r.t. the guidelines. As it stands so, the course of action pursued by the 1st Respondent cannot be found fault with.

6. The observation made by the learned Single Judge as discussed in paragraphs 2 and 3 of the judgment gives a proper picture that, it is a case devoid of any merit and hence interference was rightly declined. We do not find any tenable reason to interfere.
7. The appeal fails. It is dismissed accordingly.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge