

HIGH COURT OF CHHATTISGARH, BILASPURWPC No. 1300 of 2019

- M/s G. S. Fuel Point Near New Bus Stand Pendra, Raod, Tahsil Pendra, District Bilaspur Chhattisgarh, Through Its Sole Proprietor Smt Manjulata Sultania W/o Shri Ramesh Prasad Sultania Aged About 59 Years, District : Bilaspur, Chhattisgarh **---- Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary Public Works Department, Mahanadi Bhawan Mantralaya, New Raipur Chhattisgarh.
2. Collector Bilaspur District Bilaspur Chhattisgarh.
3. Executive Engineer Pendra Road, Public Works Department, District Bilaspur Chhattisgarh
4. Hindutan Petroleum Corporation Limited Through Senior Regional Manager, Shahid Veer Narayan Singh Complex Ghadi, Chowk, Raipur, District Raipur Chhattisgarh
5. Aditya Sahu S/o Shri Mohan Lal Sahu Aged About 25 Years R/o Near State Bank Of India, Pendra Road, District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	:	Ms. Sharmila Singhai, Advocate
For State/Respondents No. 1 & 2	:	Mr. Amrito Das, Addl. A.G.
For Respondent No. 4	:	Mr. Ali Asgar, Advocate
For Respondent No. 5	:	Mr. Kshitij Sharma, Advocate

Hon'ble Shri Justice Goutam BhaduriOrder on Board**04.12.2020**

1. Heard.
2. The challenge in the present writ petition is to the Letter of Intent issued to the respondent No. 5 by the respondent No. 4 for opening of a petrol pump at Pendra Road.
3. Learned counsel for the petitioner submits that according to the Indian

Road Congress guideline which is binding, one petrol pump which is existing that of the petitioner i.e. G.S. Fuel Point is within 300 metres of vicinity as such further petrol pump within the periphery cannot be opened. Therefore, issuance of Letter of Intent by the respondent No. 4 to the respondent No. 5 would tantamount to grant of the petrol pump, overlooking the guideline of Indian Road Congress.

4. Learned counsel for the respondent No. 4 would submit that Indian Road Congress is not mandatory company to follow such guideline and it is stated apart from it, the reliance on a document has been placed by the petitioner is of the year 2014. He would further submit that still this writ petition is premature and the petitioner can very well raise his objection before the District Magistrate and since the ultimate issuance of no objection is within the domain of District Magistrate therefore the petitioner can also go to that authority and raise their objections for decision.
5. In view of such submission made by the respondent, since the issuance of no objection is still to be considered by the District Magistrate, the petitioner shall be at liberty to raise the ground before the District Magistrate and if the said objections are raised, the District Magistrate shall hear the necessary party before any orders are passed after giving the parties the opportunity of hearing.
6. With the aforesaid observation/ direction, the writ petition stands disposed off.

Sd/-

(Goutam Bhaduri)

JUDGE