

05.04.2022
SL No. 287
Court No. 24
(P.M)

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 5128 of 2022

**Tapas Kumar Mondal @ Dev Kumar Mondal & Anr.
Vs
Indian Oil Corporation Limited & Ors.**

Mr. Kallol Basu,
Mr. Sunit Kr. Roy,
Mr. Suman Banerjee,
Mr. Debasis Moitra
... for the petitioners

Mr. Manwendr Singh Yadav
... for respondent Nos. 1 to 3

Mr. Bikram Banerjee,
Mr. Arka Nandi
... for respondent Nos. 4, 5 and 6

The petitioners, being husband and wife, have filed the instant writ petition alleging that the private respondents have forged deeds and documents to obtain licence in their favour. The land in which the private respondents are carrying on business is their personal and private land and the private respondents do not have any right, title and interest over the said plots of land.

It appears from the order impugned in the present writ application that a civil suit filed by the petitioners as regards declaration of title is pending adjudication before the learned Court below.

A criminal proceeding has also been initiated at the instance of the petitioners and the same is also pending.

By the impugned order dated 9th March, 2022 the Divisional Retail Head, Durgapur Divisional Office, Indian Oil Corporation Limited (M.D.) has made it clear that in the event it is established that the title over the portion of land allegedly conveyed under deed no. 638 of 2017 was done fraudulently, then steps will be taken under the applicable policies and law to redress their grievances.

The petitioners pray for a direction upon Indian Oil Corporation Limited to conduct an in-house enquiry to ascertain the title of the land over which the private respondents are carrying on business on the basis of licence granted by the Company.

I am of the considered opinion that as the issue in question is pending consideration before the learned Civil Court and before the learned Criminal Court below, accordingly, it will not be proper for the Writ court to entertain the petition and pass any order/direction upon the Indian Oil Corporation Limited to enquire the issue. The Company has already assured the petitioners that in the event

fraud is detected then necessary steps shall be taken by the Company to redress their grievances.

In view of the above, no relief can be granted to the petitioners in the instant case.

The writ petition fails and is hereby dismissed.

It is made clear that the proceedings before the learned Court below shall continue without being influenced by any observation passed herein above.

It goes without saying that it will be open for the petitioners to initiate appropriate legal action against any party, who according to the petitioners, has caused any infringement of the right of the petitioners, in accordance with law.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)