

36 29.7.2022
Sc Ct. no.12

FMA 639 OF 2022
with
I.A. No. CAN 1 OF 2022
(Application for stay)

Tapash Kumar Mandal alias
Dev Kumar Mandal & Anr.

Vs.

Indian Oil Corporation & Ors.

Mr. Indranil Roy
Mr. Sunit Kumar Roy.

...For the Appellants

Mr. M. S. Yadav

...For the Respondents/
IOCL

Mr. Bikram Banerjee

....For the Respondent
Nos. 4, 5 & 6.

Heard Mr. Indranil Roy, learned counsel appearing for the appellants, Mr. M. S. Yadav, learned counsel appearing for the Indian Oil Corporation and Mr. Bikram Banerjee, learned counsel appearing for the respondent nos. 4, 5 and 6.

The short dispute involved in the case is that the appellants' land is alleged to have been grabbed by the private respondents including the respondent no. 4, who happens to be the brother of the appellants. The private respondents are alleged to have offered that disputed land to the Indian Oil Corporation for setting up a petrol pump. The appellants lodged complaint before the Indian Oil Corporation - not to indulge in unfair practice being a public authority by allowing the private respondents to run a petrol pump over the disputed land. Such

complaint, filed by the appellants, fell into deaf ear of the respondent Indian Oil Corporation.

Admittedly, in the meantime, a suit has been filed by the appellants before the competent civil court for declaration of title etc. In the said suit an injunction was sought for in respect of this particular land but refused and the appellants have preferred an appeal against that order of refusal of injunction. The appellants have also filed an application for impleading the Indian Oil Corporation as a party in the said suit.

Be that as it may, when the subject-matter of the present appeal is a subject-matter before a competent civil court, we do not intend to go into the disputed question of facts in this appeal.

We, therefore, could not find any infirmity in the order passed by the Hon'ble Single Judge. While confirming the impugned order, we dispose of the appeal with the observation that if the appellants become successful in getting the relief of injunction in any event within three months from today, the same may be produced before the Indian Oil Corporation for their consideration only.

In view of disposal of the appeal, the connected application being I.A. No. CAN 1 of 2022 stands disposed of.

There will be no order as to costs.

Photostat certified copy of this order, if applied for,
be furnished expeditiously.

(Chitta Ranjan Dash, J.)

(Aniruddha Roy, J.)