

11.11.2024
SL No.37
Court No.24
Ali

WPA 12349 of 2023

**Uday Chakraborty & Ors.
Versus**

M/s. Bharat Petroleum Corporation Ltd. & Ors.

Mr. Partha Sarathi Bhattacharyya, Sr. Adv.
Ms. Juin dutta Chakraborty, Adv.,
..... ...for the petitioners.

Mr. Puspendu Chakraborty, Adv.,
.....for the BPCL.

Affidavit-in-reply filed on behalf of the
petitioners is taken on record.

The instant writ petitioner is filed by the
petitioner for a specific direction upon the concerned
respondent authority to consider the representation
of the petitioner dated 23rd December, 2022. The
short history of the matter is that one Petrol Pump
was set up at 454, Bailapara, Post Office & Police
Station-Bishnupur, District-Bankura which is under
the ownership of present petitioner. There was lease
agreement between the petitioner and the private
respondent which is under dispute. The parties
approached before this Court in separate writ
petition vide WPA No.10413 of 2021 wherein the
coordinate Bench of this Court has directed the
parties to approach the civil forum to settle their
dispute.

It is the case of the petitioner that due to
such unsettle dispute between the parties the right

title and interest of the present petitioner has hampered so he submitted a specific representation for removal of set up of Petrol Pump over 454, while Post Office & police Station-Bishnupur.

It is the case of the petitioner that his representation was not considered by the appropriate authority.

Learned counsel appearing on behalf of the respondent Nos. 1 and 2 i.e. M/s. Bharat Petroleum Corporation Limited specifically submitted that the licence for using the Petrol Pump was not renewed. The Petrol Pump business is not running over the location.

Mr. Chakraborty, learned counsel appearing on behalf of the respondent Nos. 1 and 2 further submits that there are some circular of Central Government for using such locations.

Considering the situations, it appears to me appropriate to dispose of the writ petitioner with a specific direction upon the concerned authority i.e. the respondent No. 8 to take a proper decision.

It appears to me that the land belonging to present writ petitioner has stalled due to the unsettle disputes between the private parties. Respondent Nos. 1 and 2, being the State instrumentality should not intrude themselves in the private disputes, rather, they shall act according to the prevalent law and circular to that effect.

Considering the situations, the respondent authority shall take appropriate decision in respect of the representation dated 23rd December, 2022 (annexure P/12) of the writ petition after giving appropriate opportunity of being heard to the petitioners within eight weeks from date.

The respondent authority shall arrive at such reasoned decision and shall intimate the decision to the writ petitioner within two weeks thereafter.

I make it clear that the representation as appeared in P-12 of the writ petition be treated as a representation before the appropriate authority i.e. respondent No. 8.

This writ Court has not gone into the merit of the instant writ petition, the appropriate authority is at liberty to dispose of the representation according to the law and circular made by the Central Government to that effect.

(Subhendu Samanta, J.)