

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

M.A.T. 1318 of 2025

Sarkar Fuel Station & Anr.

vs.

Union of India & Ors.

With

CAN 1 of 2025

For the Appellants

: Mr. Atarup Banerjee
Mr. Saurav Basu
Mr. Rajdeep Pramanik
Ms. S. Roy

For the Respondent No. 7

: Mr. Pratik Dhar, Sr. Adv.,
Mr. S. Halder
Mr. Snehal Sinha

For the NHAI Authority

: Ms. Manika Roy
Ms. Ankita Chowdhury
Mr. Atanu Sur

For IOCL

: Mr. Amit Kumar Nag
Mr. Parthya Banerjee
Ms. Rishita Sarkar

Heard & Judgment on

: September 1, 2025

Debangsu Basak, J.:-

1. Appeal is at the behest of the writ petitioners in W.P.A. 11363 of 2025.

2. By the impugned judgment and order dated July 29, 2025, two writ petitions being W.P.A. 11363 of 2025 and W.P.A. 7776 of 2024 were disposed of.
3. By the impugned judgment and order, both the writ petitions were dismissed.
4. Learned advocate appearing for the appellants submits that, the private respondent is seeking to run a petrol pump on a plot just adjacent to the property of the appellants. He submits that, the appellants are running a petrol pump. He points out that the location of the proposed petrol pump of the private respondent is such that it will obstruct the ingress and egress of the vehicle and traffic of both the petrol pumps. Such location will cause safety and security issues and is likely to give rise to avoidable accidents.
5. Learned advocate appearing for the appellants submits that Indian Oil Corporation Limited (IOCL) authorities treated the particular locality as an urban locality while in effect, it is a rural area. He draws the attention of the Court to the various terms and conditions of the notice inviting the tender and as also the other materials to contend that a second petrol pump cannot be granted by the IOCL authorities in such close proximity with the existing petrol pump of the appellants.

6. IOCL , National Highway Authority of India (NHAI) as well as the private respondents are represented.
7. At the hearing of the appeal, we requested the IOCL to produce the records with regard to the approval of site by the NHAI since the site is located adjacent to a National Highway. Movement of vehicular traffic including that of access to the National Highway is governed by the provisions of the National Highways Authorities Act, 1956 as also the Control of National Highway (Law & Traffic) Act, 2002.
8. A site plan of the site of the private respondent, vis-à-vis, the location of other petrol pump, that is of the appellants is placed before the Court with copies thereof being circulated amongst the private parties.
9. It appears from such site plan that the proposed site was approved by the NHAI authorities.
10. Two Article 12 authorities, i.e., IOCL as well as NHAI applied their mind with regard to the location of the petrol pump and the private respondent. They approved of the same as will appear from the site plan which bears the signature of the respective officials of the IOCL and NHAI.
11. View taken by such two Article 12 authorities cannot be said to be perverse.

12. Approval of the location of the petrol pump being approved by the NHAI, and the decision of approval not being established to be bad, we find the apprehension of the appellants as to safety and security of vehicular traffic to be adequately addressed.
13. Apparently the litigations are a product of business rivalry between the private parties. A Writ court, far less in appeal, should enter into such an arena.
14. In such circumstances, we are not minded to interfere under Article 226 of the Constitution of India and that too an appeal from the order of the learned Single Judge dismissing the two writ petitions.
15. **M.A.T. 1318 of 2025** and the connected application being **CAN 1 of 2025** are **dismissed** without any order as to costs.

(Debangsu Basak, J.)

16. I agree

S.D.

(Md. Shabbar Rashidi, J.)