

05-02-2026
ct no. 10
Sl.1
RP

In the Circuit Bench of Jalpaiguri

WPA 161 of 2026

Chanchal Barman

-Versus-

Indian Oil Corporation & Ors..

Mr. Sarwar Zahan,
Ms. Pritikana Gantait,
Mr.Sudipta Maiti
Ms.Shalini Sen
Ms. Sahina Parvin
Mr. Soumyajit Roy Choudhury
...for the petitioners

Mr. Swapan Kr. Dutta, Ld. GP.,
Mr. Tapas Kr. Roy.

...for the State

Mr.Bikramaditya Ghosh,
Mr. Sudipta Nayan Ghosh.
...for the respondent nos.1, 2 & 14(IOCL)

1. Parties are represented through their respected learned Counsel. Mr. Bikramaditya Ghosh, learned Counsel appearing for the IOCL being respondent nos. 1, 2 and 14 appears in the virtual mode.

2. The petitioner in the instant case is a permanent resident of a Village- Panishala beside Balarampur Road, falling within Panishala Gram Panchayat under the jurisdiction of Cooch Behar No. 1 Development Block prays inter alia, for the following reliefs:

"a) A writ and/or order or orders and/or direction or directions in the nature of a writ of Mandamus directing the respondent authorities particularly the respondent No. 5 herein being the District Magistrate, Cooch Behar not to issue the necessary 'No Objection' to the private respondents herein who is going to set up the said petrol pump on the selected site by violating the mandatory

additional safety measures as formulated by the being Government of India 'Annexure P-2' to this application as the said selected site is closely nearest at about 4 to 8 meters distance from the respective pucca house of the petitioner of Panishala village in the district of Cooch Behar by cancelling and/or rejecting the said proposal for issuing necessary 'No Objection to the private respondent herein forthwith;

b) A writ and/or order or orders in the nature of a writ of Mandamus directing the respondents authorities to consider and dispose of the representations of the petitioner made before the respondent authorities being Annexures "P-5" to "P-8" to this application by taking all legal steps against the private respondents herein who is going to set up the said petrol pump at the selected site which closely nearby from the pucca house of the petitioner of the said village Panishala by violating the mandatory additional safety measures as formulated by the Government of India to set up any new petrol pump at any place in India, by giving appropriate opportunity of hearing to petitioner and/or his representative forthwith;

c) A writ and/or order or orders and/or direction or directions in of a writ of Certiorari nature directing the respondents to produce or cause to be produced the entire records of the case including the representations made by the petitioner being Annexures "P-5" and "P-8" to this application so that conscionable justice may be rendered to the petitioner by perusing considering and the same;

d) Rule NISI in terms of the Prayers (a), (b) and (c) above;

e) Costs and Incidental of this application;

f) Pending hearing this application the petitioner prays for an interim order to the affect that directing the respondents more particularly the respondent no. 5 herein not to issue the necessary 'No objection' to set up the said petrol pump at the selected site on the Balarampur-Berhampore Road under the Panishala Gram Panchayat in the district of Cooch Behar without considering the issue of mandatory additional safety measures as formulated by the Government of India being Annexure 'P-2' to this application, till the disposal of the representations of the petitioner being Annexure 'P-5' to 'P-8' to this application;

g) Any other order or orders and/or direction or directions as Your Lordships may deem fit and proper."

3. Mr. Sarwar Zahan appearing for the petitioner submits that an advertisement for setting up a new petroleum retail outlet (Petrol Pump) beside Berhampore- Balarampur Road at village Panishala in the district of Cooch Behar has been published in a daily news paper. The proposed site selected for the Rural Petrol Pump falls within Mouza Panishala, L.R. Khatian No. 2275, L.R. Plot No. 6972 measuring an area 7 Cottahs under the Kotwali Police Station in the

District Cooch Behar having a close proximity less than 30 metres from the pucca house of the villages being contrary to the mandate of the circular of petroleum and explosives safety organization issued by Government of India dated 09.09.2024 which pertains to safety measures for setting up of new Petroleum service station.

4. The petitioner and the co-villagers of the said area obtained an information under Right to Information Act dated 08.12.2025 being annexure P-10 at page 54 that the respondent no. 15 has already been selected by the respondent no. 1 to set up new petrol pump by issuing a letter of intent in favour of the Private respondent.

5. Thereafter, the petitioner and the other villagers lodged a complaint on 03.06.2025 before the respondent no. 7 but the same remains pending for consideration.

6. Mr. Swapan Kr. Dutta, Id. Govt. Pleader submits that the respondent no. 7 has not yet received any application for issuing NOC from the end of the Respondent No. 1 and the entire process has not attained any finality.

7. The learned Counsel appearing in virtual mode for the respondent no. 1 submits that the writ petition is premature in nature since the entire selection process has not arrived to a logical conclusion, nor any adverse action has been taken which shall prejudice

the rights of the petitioner and other villagers of the said Panishala village.

8. After careful consideration of the case on the basis of the available records, I find that the issue involved herein still remains to be in a rudimentary stage. Since the entire process has not attained any finality, no interference is warranted at this stage.

9. However, it is made clear that after receiving the application for NOC for setting up of the petrol pump at the proposed site, the District Magistrate at the time of hearing is directed to consider the complaint lodged by the petitioner being annexure-7 at page 45 of the writ petition dated 03.06.2025 in terms of the guidelines laid down in Circular dated 09.09.2024 at upon affording opportunity of hearing to the petitioners and other interested persons before arriving at any logical conclusion and pass necessary orders in accordance with law.

10. The District Magistrate, Cooch Behar shall communicate such decision to the petitioner accordingly.

11. The writ petition being WPA 161 of 2026 is disposed of without taking an exception to the merits of the case.

(Smita Das De, J.)