
(2006) 04 AHC CK 0133

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 4804 of 2006

Chhitarmal Agrawal

APPELLANT

Vs

Bajaj Filling Station and Others

RESPONDENT

Date of Decision : 12-04-2006

Acts Referred:

Citation : (2006) 7 AWC 6863

Hon'ble Judges : Vineet Saran, J

Bench : Single Bench

Advocate : A.B. Sinha, for the Appellant; Amit Saxena and C.B. Yadav and S.C., for the Respondent

Final Decision : Dismissed

Judgement

Vineet Saran, J.—Respondent No. 1 is a wholesale licensee of kerosene oil. His licence was placed under suspension by an order of the District Magistrate, Mathura. During the period of suspension, the petitioner was appointed as "Supurdgar". Thereafter the licence of respondent No. 1 was cancelled by the licensing authority, which was challenged in appeal. The appellate authority (respondent No. 2, the Commissioner, Agra Division, Agra) has, vide order dated 1.2.2005, allowed the appeal of respondent No. 1 and set aside the cancellation order, which is impugned in this writ petition.

2. I have heard Sri A.B. Sinha, learned Counsel appearing for the petitioner as well as Sri Amit Saxena, learned Counsel appearing for the contesting respondent No. 1 and the learned Standing Counsel appearing for respondents No. 2 to 5. Pleadings between the contesting parties have been exchanged and with the consent of the learned Counsel for the parties, this writ petition is being disposed of at the admission stage itself.

3. A preliminary objection has been raised by Sri Amit Saxena, learned Counsel appearing for respondent No. 1 that the petitioner, who was merely appointed as "Supurdgar", would have No locus standi to maintain this writ petition. It has

also been submitted that the "Supurdgur" was appointed only for the period during which the licence of respondent No. 1 had been placed under suspension, and as such he acquired no vested right to continue to operate the licence, which was granted in favour of respondent No. 1.

4. Sri A.B. Sinha, learned Counsel appearing for the petitioner has, however, submitted that besides having been appointed as "Supurdgar" during the period of suspension of the license of respondent No. 1, the petitioner is also a wholesale dealer licensee for kerosene oil for a different area, and as such he would be entitled to file this writ petition, as his business would also be affected in case if the respondent No. 1 is permitted to operate his licence, though in an area separate from that of the petitioner.

5. The petitioner may be a business rival of respondent No. 1 but he does not acquire any right to manage or interfere with the business of respondent No. 1, for which respondent No. 1 possess a valid licence. Thus, once the appellate authority has found that the order cancelling the licence of respondent No. 1 was wrongly passed, In my view, the petitioner would not have a right to file this writ petition. Otherwise also, by having been appointed as a "Supurdgar" for the period during which the licence of respondent No. 1 was placed under suspension, the petitioner does Not acquire any right to challenge an order which has now been passed in favour of the respondent No. 1, as even otherwise, the same does not affect the right of the petitioner to carry on his business in the area for which he has been granted licence.

6. Accordingly, in my view, the petitioner does not have the right to challenge the order impugned in this writ petition, which has been passed in favour of respondent No. 1. This writ petition is thus dismissed. However, there shall be no order as to costs.