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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 2333 of 2014**

1 - Bharat Petroleum Company Ltd. And Anr. A Govt. Of India Enterprise, Raipur, Retail Territory, Nagar Ghadi Chowk, Raipur, Through Its Territory Manager Shri Vikas Shrivastava S/o Shri Vijay Shrivastava, Aged about 43 Yrs, Chhattisgarh

2 - Vikas Shrivastava S/o Shri Vijay Shrivastava Aged About 43 Years Territory Manager, Bharat Petroleum Company Ltd, Raipur, Retail Territory, Nagar Ghadi Chowk, Raipur, Civil And Revenue Distt Raipur, CG, District : Raipur, Chhattisgarh

... Petitioners**versus**

1 - State of Chhattisgarh Through The Secretary, Ministry of Revenue, Mahanadi Bhawan, Naya Raipur, Dist Raipur, CG, Chhattisgarh

2 - The Collector Distt Raipur, CG, District : Raipur, Chhattisgarh

3 - The Nazul Officer, Collectorate, Raipur, Dist Raipur, CG, District : Raipur, Chhattisgarh

4 - Municipal Corporation Raipur, Through Its Commissioner, Raipur, Dist Raipur, CG, District : Raipur, Chhattisgarh



5 - The Commissioner, Municipal Corporation, Raipur, CG , District :
Raipur, Chhattisgarh

... Respondents

For Petitioners	:	Shri B.P. Sharma, Advocate with Shri Pushp Kumar Gupta, Advocate
For Respondents No.1 to 3	:	Ms. Deepeshwari Mahilwar, Panel Lawyer
For Respondents No.4 & 5	:	Shri R.K. Gupta, Advocate

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

20/04/2026

1. The petitioners seek following reliefs in this petition:

"A. A writ and/or an order in the nature of appropriate writ do issue calling for the records of the respondent for its kind perusal.

B. Interim relief in the form of writ or order of appropriate nature directing a writ and/or an order in the nature of appropriate writ do issue directing the respondent authorities not to give effect to the impugned notice dated 25.11.2014 (Annexure P-6) as action contemplated therein is arbitrary, illegal and in violation of the petitioners' fundamental constitutional and other rights.

C. A writ and/or an order in the nature of appropriate writ do issue directing the respondents to execute lease in favour of the petitioners in respect of land earmarked for the petitioners at the rear side



of the existing petrol pump as per terms agreed and till execution of lease deed, the petitioners may be allowed to run its business from the present site in the interest of justice.

OR

A writ and/or an order in the nature of appropriate writ do issue directing the respondents to renew the lease deed of the petitioner No.1 as per renewal clause of the original lease deed.

D. Any other relief which this Hon'ble Court may deem fit in the facts and circumstances of the case.

E. Cost of the petition may also be awarded.”

2. By the present petition, the petitioners impugn illegal, arbitrary and capricious action on the part of the respondent State authorities particularly of respondent No.4 in addressing letter dated 25.11.2014 (Annexure P6) to its dealer for vacating the site of Plot No.9/2, total area 1320 sq. ft. situated at Old Bus Stand, Raipur over which a petrol pump has been established by the petitioners and running the same through its dealer and endorsing it to the petitioners directing stoppage of supply of petroleum products to its dealer to facilitate removal of petrol pump and further directing the dealer to vacate the premises within 7 days from the date of letter dated 25.11.2014 else the same will be removed forcibly.



3. Learned counsel for the petitioners submits that petitioner No.1 is a public sector undertaking and carrying on business of selling petroleum products throughout the country including the city of Raipur. Petitioner No.1 has installed its retail outlet at G.E. Road, Old Bus Stand, Raipur after allotment of land by the respondent/State in the year 1964 which is earlier known as M/s Ahmed Ji and Sons, Raipur. A lease deed was also executed in favour of petitioner No.1 in the year 1964. Since then retail outlet of the petitioner No.1 is continuing at that place. He further submits that a notice dated 25.11.2014 (Annexure P6) was issued to the operator of the petrol pump to remove the petrol pump otherwise due proceedings would be carried out for removal of the same. Copy of the same was also forwarded to petitioner No.1. He further submits that initially a lease deed was granted in favour of petitioner No.1, which admittedly came to an end on 31.3.1992 and 31.3.2008. As such, petitioner No.1 could not move any application for renewal of the lease deed and during that period the impugned notice was issued. He further submits that initially petitioner No.1 was operating as Burmah Shell Oil Company and presently the name of Burmah Shell Oil Company has been changed to petitioner No.1/Bharat Petroleum Company Limited. As this correction in the revenue record could not be made, petitioner No.1 could not make any application for renewal of the lease deed during that period of time. By that time, the notices were also issued. He further submits that vide order dated 3.12.2014, this Court granted an interim order to maintain *status quo* with regard to the disputed property. He further submits that the case remained pending and



the interim order was continued. Subsequently, petitioner No.1 moved an application for mutation of the said land and also made another application for renewal of the lease deed. He further submits that till decision is taken on the same, the impugned notice may be set aside.

4. Opposing the above submission, learned Panel Lawyer for the State/respondents No.1 to 3 and learned counsel for the Municipal Corporation/respondents No.4 and 5 submit that admittedly the lease deed granted in favour of Burmah Shell Oil Company had already come to an end in the year 1992 and 2008. Learned counsel for the Municipal Corporation further submits that by efflux of time the Municipal Corporation has undertaken activities to widen the road and along with it construction of multi level parking was also undertaken. The petrol pump of the petitioners is in just front of the multi level parking and it is also causing hindrance in widening of the road. When the lease deed has already expired and for years together, at the strength of the interim order passed by this Court, they continued to operate in the middle of the busiest vicinity of Raipur city, no relief can be granted to the petitioners and this writ petition may be disposed of as removal of the petrol pump is in the public interest. Learned counsel for the respondents submit that as on today there is no legally enforceable right vested with the petitioners.
5. I have heard learned counsel appearing for the parties and perused the record with due care.



- 6.** None of the parties can dispute that the lease deed earlier granted in favour of Burmah Shell Oil Company had already expired in the years 1992 and 2008 and as such nothing has been brought to the notice of this Court that the lease deed granted in favour of Burmah Shell Oil Company, which was subsequently changed as petitioner No.1, has been renewed or not. Perusal of the documents and the return/reply filed by the parties would also indicate that the petrol pump is installed in the busiest vicinity of Raipur city. It is the submission of Learned counsel for the Municipal Corporation that because of the petrol pump there is a disturbance in the functioning of the multi level parking. He invited attention of this Court to the photographs filed along with the covering memo. The right of petitioner No.1 to continue to run the petrol pump was at the strength of the lease deed, which was earlier granted to Burmah Shell Oil Company. With the expiration of the said lease deed, the right cannot continue until and unless the lease deed is renewed. Though learned counsel for the petitioners submits that subsequently during pendency of this writ petition, applications have been made for mutation as well as for renewal of the lease deed. The petitioners are at liberty to pursue those applications pending before the appropriate authority. At this stage, this Court is not inclined to quash the impugned notice/order.
- 7.** At this stage, learned counsel for the petitioners submits that similarly situated persons have been granted lease deed. That is in the domain of the State Government and other appropriate authority to look into the grievances of the petitioners. The



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Municipal Corporation shall be at liberty to proceed against the petitioners in accordance with law. The interim order dated 3.12.2014 is discharged.

8. With the aforesaid observations and directions, the writ petition is disposed of. All pending applications, if any, are also disposed of.

Sd/-

(Sachin Singh Rajput)
JUDGE