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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5070 of 2021

Shubhankar Dutta Gupta S/o Dipankar Dutta Gupta Aged About 30 Years R/o Village Pakhanjur, District North Bastar Kanker Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Its Secretary, Department Of Revenue And Disaster Management, Naya Raipur, District Raipur Chhattisgarh.

2 - Collector District Uttar Baster Kanker Chhattisgarh.

3 - Sub Divisional Officer (Revenue) Tehsil Pakhanjur, District Uttar Baster Kanker Chhattisgarh.

4 - Tehsildar Tehsil Pakhanjur District Uttar Baster Kanker Chhattisgarh.

5 - Revenue Inspector Tahsil Pakhanjore, District Uttar Baster Kanker Chhattisgarh.

6 - Hindustan Petroleum Corporation Limited Address - 17, Jamshed Ji Tata Road, Mumbai 400020.



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7 - Jagdish Vishwas S/o Shree Jadav Chandra Vishwas R/o Khaspara Cotekapsi, Tehsil Pakhanjur District Kanker Chhattisgarh.

... Respondent(s)

For Petitioner	: Mr. Parag Kotecha, Advocate
For Res. No.1 to 5	: Mr. Rajkumar Sahu, Panel Lawyer
For Resp. No.6	: Mr. Ali Asgar, Advocate

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

30/07/2026

1. Petitioner has filed this writ petition seeking following reliefs :

“10.1. Call for the entire records of the proceedings from the respondent authority.

10.2. quash/ set aside the no objection certificate dated 20/01/2021 (Annexure P / 6) and licence granted to respondent no. 7.

10.3 Direct the respondent no. 6 to allot the Petrol Pump to the petitioner.

10.4. or pass any other order which the Hon'ble court deems fit and proper in the interest of justice.”

2. Learned counsel for the petitioner would submit that pursuant to advertisement issued by respondent No.6/Oil Corporation inviting applications for opening of retail outlet petrol pump dealership in the open category, petitioner had submitted an application along with others. Respondent No.7 offered his land bearing kh. No.864/1



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admeasuring 0.35 hectares situated at village- Khaspara-chhotekapasi, Tehsil- Pakhanjur, District- Uttar Bastar Kanker. According to the requirement/guidelines of respondent No.6/Oil Corporation, respondent No.7 has submitted an application for obtaining 'NOC' from various departments such as Forest Department, Public Works Department (PWD) and Town & Country Planning Department. The Additional District Magistrate Uttar Bastar Kanker, upon considering the application submitted by respondent No.7 for grant of 'NOC', called for spot inspection report from Sub Divisional Officer. Sub Divisional Officer called for a report from Tahsildar wherein the Tahsildar has submitted inquiry report mentioning that land in between the land bearing kh. no.864/1 and State Highway No. 25, there is government land bearing kh. no.863 admeasuring 0.03 hectare and in the revenue records it is mentioned as '*chhote jhaad ka jungle*' and therefore in accordance with the Forest Conservation Act, 1980, 'NOC' cannot be granted until '*chhote jhaad ka jungle*' is diverted. Report submitted by Tahsildar was forwarded by SDO agreeing with the report. He further contended that Collector after receipt of report of Tahsildar and SDO has again remitted back the proceedings of spot inspection to SDM for examining it afresh and to send a fresh report. Upon receipt of proceeding from the office of District Magistrate, respondents No. 3 & 4 have reversed their report and based upon which 'NOC' was issued by the District Magistrate on 20th January 2021. He also contended that land which is offered by the respondent No.7 was disputed. Pursuant to order of the Collector, name of respondent No.7 has been removed from the revenue



records of kh.no .597/1, 864/1 admeasuring 0.35 hectares and 0.40 hectare respectively vide order dated 26.07.2021 and therefore also respondent No.6 committed error in accepting the application submitted by respondent No.7, offering the disputed property. He contended that according to guidelines/brochure issued by the respondent No.6 under Clause No. I (iv) there cannot be any government land in between the right of way and offered plot, which has been ignored by respondent No.6. Power of Collector to revise the report of revenue officer is very limited and it can only be done when there is error, omission or irregularity. He contended that under Chhattisgarh Land Revenue Code, 1959 (for short "*Code of 1959*") there is no power to remand of a case back to revenue authority. As respondent No.7 did not hold title of offered land bearing kh. no.864/1, 'NOC' issued by the Collector in favour of respondent No.7 to establish petrol pump outlet dealership is *per se* illegal.

3. Learned counsel for respondent No.6 /Oil Corporation would submit that retail outlet petrol pump has already been commissioned in the year 2022. Proceedings for selection of applicant for retail outlet petrol pump was completed following due procedure as provided in the brochure/guidelines. Land offered by respondent No.7 was got inspected and upon receipt of inspection report, finding the land of respondent No.7 to be suitable, Letter of Intent (LOI) was issued and after issuance of 'LOI', the District Magistrate has also issued 'NOC'. Respondent No.6 has nothing to do with dispute with regard to title of land of respondent No.7 with any third



person. Proceeding for selection of retail outlet dealership (petrol pump) was done considering the revenue records enclosed by the applicant therein along with application.

4. I have heard learned counsel for the parties and also perused the documents annexed along with this writ petition.

5. So far as the grievance raised by learned counsel for the petitioner with regard to grant of 'NOC' by the District Magistrate is concerned, it is apparent that District Magistrate after receipt of report from Tahsildar and SDO, dissatisfying with the same had returned back the file to SDM to re-submit the report as pleaded by petitioner in its writ petition and after receipt of revised report 'NOC' was granted. Perusal of the 'NOC' issued by the District Magistrate dated 20.01.2021 (Annexure P-6) would show that District Magistrate has granted conditional 'NOC'. In the 'NOC' it is mentioned that before issuing 'NOC', consent/NOC /recommendation was obtained from Divisional Forest Officer, West Forest Division, Bhanupratappur, Assistant Director, Town and Country Planning, Regional Officer, Kanker and Executive Engineer, PWD Division Bhanupratappur. 'NOC' was issued with a condition that licensee has to follow the rules and conditions of Forest Conservation Act, 1890, he will not make any change in government land bearing kh. no.863 and further that maintaining the status of kh. no.863, as it is, the licensee can establish its petrol pump.



6. So far as the submission of learned counsel for the petitioner that the Collector after receipt of inspection report from the SDM could not have again remitted back the case as there is no such provision under the Code of 1959 is concerned, the Collector has not called for inspection report exercising power under the Code of 1959 and, therefore, the said submission of learned counsel for the petitioner, in the facts of case, is not acceptable and it is hereby repelled.

7. From the contents of 'NOC' issued by the District Magistrate it is apparent that the District Magistrate has kept in mind about the government forest land in between the road and the land offered by respondent No.7. Petrol pump is already commissioned as argued by learned counsel for respondent No.6 and not disputed by learned counsel for the petitioner.

8. In above facts of the case when the competent authority has already issued 'NOC' and further respondent No.6 has issued 'LOI' based upon inspection report by the committee, I am of the considered opinion that the petitioner will not be entitled for any relief as sought for.

9. So far as submission of learned counsel for the petitioner that the land offered by respondent No.7 is disputed land and pursuant to order passed by the Collector name of respondent No.7 has been removed from revenue record is concerned, perusal of the order dated 26.07.2021 would show that the Collector has made observation that the land bearing kh. no.864/1 admeasuring 0.40 hectare was a land allotted on patta in favour of Jagdish Vishwas



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(respondent No.7 herein) and its transfer without prior permission of the competent authority has been held to be illegal. Order of the Collector with regard to transfer of patta land without seeking prior permission from Collector is subject matter to be contested by the parties therein before appropriate forum.

10. Petitioner is not the non-applicant in that proceedings before the Collector. In the opinion of this Court, petitioner would not be permitted to raise the question of title of land in which the petitioner is having no right or claim.

11. In the aforementioned facts of case and further considering that petrol pump has already been commissioned, 'NOC' granted is conditional, I do not find any merit in this writ petition. Writ petition being devoid of substance is liable to be and is accordingly dismissed.

Sd/-
(Parth Prateem Sahu)
Judge

Praveen