

Court No. - 32

Case :- WRIT - C No. - 35434 of 2023

Petitioner :- Richa Jaiswal

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Aditya Upadhyay, Ambrish Pandey, Rudra Dutt Tiwari

Counsel for Respondent :- C.S.C., Ashok Kumar Dubey, Pramod Kumar Rai

Hon'ble Salil Kumar Rai, J.

Hon'ble Surendra Singh-I, J.

The present petition has been filed praying for a writ of mandamus commanding the respondent Nos. 2 and 3, i.e., the District Magistrate, District-Deoria and Executive Engineer, Public Works Department, District-Deoria not to issue a No Objection Certificate (hereinafter referred to as, 'NOC') in favour of respondent No. 5 for installing a retail petrol outlet awarded by the Indian Oil Corporation Ltd.

It is the case of the petitioner that under the Uttar Pradesh Guidelines for issuing for NOC for setting up fuel station alongwith UPPWD Roads, 2022, respondent No. 5 is not entitled to a NOC and can not set up retail outlet on the plot specified by him as it would be within the 300 meters of the petrol pump already set up by the petitioner.

No orders have yet been passed by the concerned authority and till date NOC has not been issued.

The petitioner apprehends that a NOC would be issued as a favourable report has been submitted in favour of respondent No. 5 by the Tehsildar, Tehsil-Sadar, District-Deoria and by the Executive Engineer, Public Works Department, District-Deoria.

A perusal of the report indicates that a Map has also been submitted by the concerned officer and no recommendations as such have been made by the officer in favour of respondent No. 5. The concerned officer has only stated the positions of the different plots as evident from the Map prepared by him.

The issue as to whether a NOC has to be issued under the Uttar Pradesh Guidelines, 2022 or not considering that the advertisement was issued by the Indian Oil Corporation Ltd. in November, 2018 can be decided only after the NOC is issued to the respondent No. 5.

The petition is premature.

In view of the aforesaid, the Court is not expressing any opinion regarding locus standi of the petitioner at this stage.

The petition is ***dismissed.***

Order Date :- 12.10.2023

Anurag/-