

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No.12 of 2013**

Gautam Singh Choudhary, S/o Shri P.S. Choudhary, aged about 23 years, R/o Gandhi Nagar, Ambikapur, Police Station Gandhi Nagar, District Surguja, Chhattisgarh

---- Petitioner**versus**

1. Union of India through the Secretary Petroleum and Natural Resources, Shastri Bhawan, New Delhi – 110001
2. The Manager (Vipanan Prabhag), Indian Oil Bhawan, G-9, Ali Yavarjung Road, Bandra (East), Mumbai 400051
3. The Deputy Manager (R), Indian Oil Corporation Ltd. Buripara, Ambikapur, Chhattisgarh
4. The State of Chhattisgarh through the Principal Secretary Forest Department, Mahanadi Bhawan, New Raipur, Chhattisgarh
5. The Collector Cum District Magistrate Surguja District Surguja, Ambikapur, Chhattisgarh
6. The Nazul Officer, Ambikapur, District Surguja, Chhattisgarh
7. The Divisional Forest Officer, South Surguja Forest Division, Ambikapur, District Surguja, Chhattisgarh
8. The Assistant Director Resham, Beej Evam Dhagakaran, Ambikapur, District Surguja, Chhattisgarh

---- Respondents

For Petitioner	: Shri Rakesh Pandey, Advocate
For Respondents No.2&3	: Shri Anand Shukla, Advocate
For State/Respondents No.4 to 8	: Shri A.S. Kachhawaha, Additional Advocate General

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board**Per Navin Sinha, Chief Justice****18/8/2015**

1. In this Public Interest Litigation the challenge is to the establishment of a retail outlet by cutting of trees stated to be in forest land.
2. The retail outlet was established in November, 2011. This Public Interest Litigation was filed on 27.2.2013. The establishment of the retail outlet was preceded by grant of a statutory no objection certificate under

Rule 144 of the Petroleum Rules. The writ application states that there was no delay in filing the same despite the fact that it was done more than one year later. The counter-affidavit of the State, served on 29.1.2014, at paragraph 6, states that the area where the petrol-pump is situated falls outside the boundary of forest land. There is no rejoinder filed to the same.

3. In compliance of the order dated 11.9.2014, the Collector, Ambikapur, has filed a fresh affidavit stating that on receipt of the application for grant of no objection certificate, a revenue case was registered, public notices were issued inviting objections, report with regard to the status of the land was called for and after compliance of all the procedures, the no objection certificate was issued. There is no denial to the counter-affidavit, much less that the no objection certificate was issued in pursuance of a public notice issued by the Collector. It is not the case of the Petitioner that he had filed any objections in response to the same.

4. We find no merit in this Public Interest Litigation. It is accordingly dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE