

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Civil Writ Petition No.16195 of 2015

Date of Decision: August 07 of 2015

Bharat Petroleum Corporation Limited, Bharat Bhawan, 4 & 6, Currimbhoy Road, Ballard Estate, Mumbai

...Petitioner

Versus

The District Magistrate, Shaheed Bhagat Singh Nagar, Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ramam Sharma, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of the counsel for the petitioner that the petitioner wanted to set up a petrol pump in Banga on Phagwara Banga Nawanshahr State Highway. For the said purpose, No Objection Certificate was sought for and was granted on 18.03.2014. A *Civil Writ Petition No.13788 of 2014* titled as *Rajinder Mehta and another Versus State of Punjab and others* was filed. During the pendency of the said writ petition, the No Objection Certificate issued to the petitioner, stood cancelled on the ground that there was some numbers, which did not tally with the records as proper No Objection Certificate was not obtained from the Forest Department. Counsel for the petitioner states that as a matter of fact the Forest Department has already transferred its land to the Public Works Department, Punjab and there is no land of the Forest Department, which would be involved in the establishment of the petrol pump. In support of this contention, he has placed reliance upon the communication received from

the Forest Range Officer, Nawanshahr, which is addressed to the Divisional Forest Officer, Jalandhar Forest Division, Phillaur, dated 28.10.2013 (Annexure P-7). He, therefore, contends that the No Objection Certificate, which was cancelled, could not have been so done. However, the petitioner has approached the District Magistrate, Shaheed Bhagat Singh Nagar (respondent herein) by way of representation dated 14.01.2015 (Annexure P-8) for finalisation of the claim of the petitioner and for issuance of a No Objection Certificate. Thereafter reminders dated 26.02.2015, 16.04.2015 and 08.06.2015 (Annexure P-9 Colly) have been sent but that has not solicited any response.

Counsel for the petitioner states that the petitioner, at this stage, would be satisfied if a direction is issued to the District Magistrate, Shaheed Bhagat Singh Nagar, Punjab-respondent exercising the powers under Rule 144 of the Petroleum Rules, 2002, to consider and decide the representation of the petitioner dated 14.01.2015 (Annexure P-8) with regard to issuance of the No Objection Certificate within some specified time.

In view of the statement made by the counsel for the petitioner, without going into the merits of the case or commenting thereon, the present writ petition is disposed of with directions to The District Magistrate, Shaheed Bhagat Singh Nagar, Punjab-respondent, to consider and decide the representation of the petitioner dated 14.01.2015 (Annexure P-8), within a period of two months from the date of receipt of certified copy of this order. Decision so taken be conveyed to the petitioner forthwith.

August 07, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE