

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

Civil Writ Petition No.2248 of 2014

Date of decision: 05.02.2015

Mrs. Meena Kainth wife of Shri Ram Lubhaya, resident of Village Bhagana, Tehsil Phagwara, District Kapurthala, Punjab.

... Petitioner

versus

Bharat Petroleum Corporation Limited, Bharat Bhawan, 4 and 6, Gurrimbhay Road, Ballard Estate, Mumbai-400 001, through its Chairman, and others.

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. G.S. Bal, Senior Advocate,
with Mr. A.D.S. Bal, Advocate,
for the petitioner.

Mr. Raman Sharma, Advocate,
for respondents 1 and 2.

Mr. Ranbir Singh Pathania, DAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. The petitioner, who has been granted a letter of intent, is stalled by an unrealistic attitude exhibited by the Forest Department in refusing to issue NOC on specious grounds. If there are trees in the area where the petroleum outlet is located and the trees would require to be felled which cannot be permitted, it was fair enough to

deny permission. The petitioner refers to the location of a particular tree at a place marked A that abuts the road at the location where the petitioner has identified as a place for the outlet. He has elicited information through RTI that the particular tree at Point A adjacent to the site has been cut in August 2012 and admissible compensation of ₹1,900/- was also recovered. The petitioner affirms that there is no other tree and the Forest Department shall issue NOC.

2. The counsel for the State submits that even the information obtained from the RTI itself reveals that there are several other trees standing within “on the spot between these kilometers” as a justification for not being in a position to issue NOC. The existence of trees which it refers is between kilometers 5 and 6 on the Dasuya-Hajipur Road. It will be unrealistic to examine a situation that there shall be no trees at all on the road in any place within a range of kilometer. We are not locating a petroleum outlet in a desert. If a petroleum outlet is set up within a town or a village, it is expected that there are trees nearby and if they come within the forest area, it must only be seen that the trees do not obstruct ingress or egress at the place where it is sought to be located. If the only tree which was identified at Point A near the intended location for the petroleum outlet has also been cut, the Forest Department is bound to issue the NOC. I direct the Forest Department to make an inspection of the site and see whether there exists any tree in the

place abutting the road which would require to be cut. If there are no trees in that place, I mandate the Forest Department to issue NOC within 2 weeks from the date of receipt of copy of this order. The inspection shall be carried out within that period. The further process in commissioning the petroleum outlet will be taken up by the Corporation in accordance with their own regulations, subject to other clearances.

3. The writ petition is disposed of with the above observations.

(K.KANNAN)
JUDGE

05.02.2015
sanjeev