

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Letters Patent Appeal No.1301 of 2015
Date of Decision: 04.09.2015

Jaspal Singh

..Appellant

versus

Union of India and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MR.JUSTICE HARI PAL VERMA

Present: Mr. Mohit Jaggi, Advocate, for the appellant.

RAJIVE BHALLA, J.

The appellant challenges order dated 31.7.2015,
dismissing his writ petition.

Counsel for the appellant submits that admittedly, the
appellant leased out his land to Hindustan Petroleum Corporation
Limited and was issued a letter of intent for running a petrol pump.
The letter of intent was cancelled as the appellant who was working
as a Development Officer with the Oriental Insurance Company had
not resigned. Counsel for the appellant submits that the appellant
obtained a loan of Rs.8,00,000/- (Rs. Eight lac) from a Co-operative
Bank for setting up the petrol pump and as the appellant has now
retired, the petrol pump should be allotted to the appellant. Counsel
for the appellant further submits that even at the initial stage, the
appellant made a request that the petrol pump be allotted in the
name of his son but the oil company, passed order dated 26.9.2007,

cancelling the letter of intent. The learned Single Judge has, while dismissing the writ petition, primarily, declined to interfere on the ground of unexplained delay and laches but lost sight of the fact that the appellant had challenged the allotment of the petrol pump to respondent no.5 before a civil court. The suit was dismissed in the year 2014. The petitioner's representation against the cancellation was never decided thereby explaining delay in filing the writ petition.

We have heard counsel for the appellant, perused the impugned order and the paper-book.

Admittedly, the order, cancelling the letter of intent, was passed on 26.9.2007. The writ petition was filed in 2014. The reason for the cancellation was failure of the petitioner to submit proof that he had resigned from the post of Development Officer, in the Oriental Insurance Company Limited, a condition precedent recorded in the letter of intent, dated 09.7.2004. The appellant, admittedly, did not resign or challenge order, dated 26.9.2007. The reason is obvious as he continued to work as a Development Officer. The appellant instead filed a civil suit to restrain the company from running a petrol pump. The writ petition, apart from the other points, has been dismissed on the ground of unexplained delay and laches of seven years. We find no reason to record an opinion contrary to the opinion recorded, while dismissing the writ petition. The appellant was aware of order, dated 26.9.2007, cancelling the letter of intent but instead chose to file a civil suit for a declaration that the respondents should be restrained from running a petrol pump but without impugning the order cancelling the letter of intent. The appellant also prayed that

the respondents, i.e., defendants in the suit, be restrained from running the retail outlet on land belonging to the appellant. The suit was dismissed on 18.12.2014. A few months before the dismissal of the suit, the appellant filed the writ petition apparently aware that the suit is likely to be dismissed. The order dated 26.9.2007 was challenged after more than 07 years without any cogent explanation for this unexplained delay. The appellant's plea that as he has retired, the petrol pump should be allotted to him, disregards the fact that the letter of intent has been cancelled and cannot be revived, particularly after a delay of 07 years.

The appellant's other contention that his land is being used by respondent no.5 for running a petrol pump, disregards the fact that the appellant had leased out this land to the Hindustan Petroleum Corporation Limited, without a condition that the appellant alone shall be allowed to operate the petrol pump and is receiving lease money as agreed between the parties.

Consequently, finding no merit in the appeal, we dismiss the same accordingly.

(RAJIVE BHALLA)
JUDGE

(HARI PAL VERMA)
JUDGE

04.09.2015
VK