

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CWP No.27265 of 2015
Date of decision:6.12.2016**

Jaspal Singh

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Gautam Dutt, Advocate for
Mr.Jagdish Manchanda, Advocate for the petitioner.

Ms.Monika Chhiber Sharma, DAG, Punjab.

RAMESHWAR SINGH MALIK, J. (Oral)

Present writ petition is directed against the order dated 28.10.2015 (Annexure P-14) passed by the Forest Division Officer, Sangrur, denying issuance of NOC to the petitioner for setting up a Retail Outlet at Sangrur-Dhuri-Malerkotla Road for which letter of intent had already been issued in favour of the petitioner by the competent authority of Indian Oil Corporation.

Notice of motion was issued and in compliance thereof, reply was filed by the contesting respondents No. 5 to 7. Petitioner filed his replication along with communication dated 1.2.2016 (Annexure P-24).

Heard learned counsel for the parties.

Learned counsel for the petitioner, at this stage, raised only this issue that the impugned communication dated 28.10.2015 (Annexure P-14) was followed by another communication dated 11.1.2016 (Annexure R-3), which has been duly replied by the competent authority of Indian Oil Corporation vide communication dated 1.2.2016 (Annexure P-24) and thereafter respondent No.5 has not taken any appropriate decision so far.

He further submits that petitioner will be satisfied in case respondent No.5 is directed to look into the matter and pass an appropriate order at an early date, keeping in view the clarifications given by the Indian Oil Corporation vide its communication dated 1.2.2016 (Annexure P-24).

Faced with the above, learned counsel for the State also fairly states that she would have no objection in case respondent No.5 is directed to pass an appropriate order, in accordance with law.

Having heard the learned counsel for the parties and without expressing any opinion on the merits of case, lest it should prejudice the rights of either of the parties, the present writ petition is disposed of, with a direction to Forest Division Officer, Sangrur-respondent No.5, to look into the matter and consider the grievance raised by the petitioner, by passing an appropriate order at an early date, strictly in accordance with law, keeping in view the clarifications already given by the competent authority vide its communication dated 1.2.2016 (Annexure P-24), addressed to respondent No.5 and also the official communication dated 10.2.2015 (Annexure P-9), issued by respondent No.5 himself, letter dated 12.6.2015 (Annexure P-10) issued by District Magistrate, Sangrur and the letter dated 8.12.2015 issued by respondent No.5 himself at Annexure P-23. Let the appropriate order be passed by respondent No.5 within a period of two months from the date of receipt of a certified copy of this order.

With the above-said observations made and directions issued, the instant writ petition stands disposed of.

6.12.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No