

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

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**CWP No.15979 of 2011.
Date of Decision: 29.11.2017.**

Sumer Singh

....Petitioner.

Versus

Union of India and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. G.C. Shahpuri, Advocate for the petitioner.

Mr. Ashish Kapoor, Advocate for respondents No.2 to 5.

Rakesh Kumar Jain, J.(Oral)

The petitioner has prayed for the issuance of a writ in the nature of certiorari for quashing the impugned letter dated 03.03.2010 by which his candidature has been rejected on the ground that land offered by him was not meeting the prescribed criteria and has also prayed for the issuance of a writ in the nature of mandamus asking the respondent No.2 not to issue any advertisement in regard to the allotment in question for the workshop road, Yamuna Nagar.

Shorn of unnecessary details, the Indian Oil Corporation Limited (for short, 'IOCL') issued an advertisement dated 21.08.2009 for inviting applications for allotment of 341 sites for the retail outlet of the petroleum products. One of the site was “workshop road” at Yamuna Nagar for which the petitioner had applied. The applicant was required to offer the plot having 35 mtrs. x 35 mtrs. size. The petitioner also offered the plot for

the retail outlet and was invited for an interview but was informed vide the

impugned letter dated 03.03.2010 that the plot offered by him is not meeting the required criteria and his candidature was thus rejected.

Aggrieved against the said decision, the present petition has been filed.

At one point of time, this Court asked the respondents to specify as to who were the members of the committee who had measured the plot of the petitioner. It was also observed that it would also be disclosed as to whether they were well versed with rules and instructions relating to demarcation of land and provisions of the Punjab Land Revenue Act. The IOCL has filed the affidavit dated 30.08.2017 of Narpal Singh, DGM (Retail Sales) working in the Panipat Divisional Office, in which he has made the following averments:-

“4. That in the present case, committee consisting of Senior Manager Retail-PDO, Engineering officer-PDO and DM (retail) Yamunanagar-SA inspected the site on 17.11.2009, wherein it was found that the offered frontage of land is less than advertised frontage. A copy of the committee report along with the declaration by the petitioner is attached as Annexure R-1/1 & R1/2 respectively.

5. That although the members of the committee were not well versed with Rules and Instructions relating to demarcation of land and Provisions of Punjab Land Revenue Act. However, the committee which consisted of three officers namely Sh. Atul Nathani, Sh. P.K. Jain and Sh. Ashok Chatwani were well versed in evaluating the technical feasibility of the land for setting of a retail outlet.”

Learned counsel for the petitioner has submitted that the IOCL itself has averred in the affidavit that the members of the committee were not well versed with rules and instructions relating to demarcation of land and provisions of the Punjab Land Revenue Act, therefore, the demarcation report filed by them cannot be believed.

On the other hand, learned counsel for the IOCL has submitted that though the members of the committee were not well versed with rules and instructions relating to demarcation of land and provisions of the Punjab Land Revenue Act but they were well versed in evaluating the technical feasibility of the land for setting up of a retail outlet. It is further submitted that the plot offered by the petitioner was measured in the presence of the petitioner, who had also signed the same and was found bearing the length and breadth of 100 ft. x 105 ft., which comes to 30.48 mtrs x 32.30 mtrs., which is less than the specification of 35 mtrs. x 35 mtrs.

After hearing both the parties and examining the record, I am of the considered opinion that there is no merit in the present petition because there was no question of any demarcation of the plot offered by the petitioner because the petitioner had not offered a plot without any measurement, rather he had given the boundaries of the plot claiming it to be meeting the criteria of 35 mtrs. x 35 mtrs., but on physical verification by the committee, the said plot was found to be less than the area prescribed which has also been admitted by the petitioner by putting his signatures on the declaration which is attached as Annexure-R1/2 with the affidavit dated 30.08.2017. The petitioner has failed to prove anything to the contrary except alleging that the size of the plot in the Jamabandi is much more whereas the respondents are concerned with the plot offered by the

petitioner for the purpose of using it as a site for installing the petrol pump and the said plot has been found to be less than the prescribed specification.

Thus, there being no ground calling for any intervention by this Court, the instant petition is hereby dismissed.

(RAKESH KUMAR JAIN)
JUDGE

29.11.2017
jitender sharma

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No