

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

CWP No.1494 of 2014 (O&M)
Date of decision: November 29, 2017

Mangtu Ram ...Petitioner

Versus

Union of India and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Jagdish Manchanda, Advocate for the petitioner.
Mr. A.K. Gupta, Sr. Panel Counsel for UOI.
Mr. Rohit Arya, AAG, Haryana.
Mr. G.S. Jaswal, Advocate for respondents No.2 & 3.

Rajan Gupta, J.(oral)

Petitioner has prayed for a writ of certiorari for quashing order dated 17.5.2013 (Annexure P-16), passed by District Magistrate, Yamuna Nagar, vide which he has declined grant of NOC to the petitioner for installation of a retail outlet.

It has been contended before this court that no hindrance would be caused to the traffic movement on the road. This would be clear from perusal of various reports, which have been given in favour of the petitioner. Besides, this court appointed a local commissioner vide order dated 19.7.2017. He has also submitted his report on 3.8.2017. Relevant part thereof reads as under:-

“So far as, the distance the proposed retail outlet from the intersection of both the rural roads is concerned, no doubt, the same is 100 meters, which has also been confirmed by the Junior Engineer, PWD B&R, Yamuna Nagar from the record. As the vehicular flow

is very less being a rural road and abadi of Village Mukarampur is also on the other rural road, thus, in my opinion, there would be no hindrance in the flow of traffic and also there would be no inconvenience to the general public as the land surrounding the proposed outlet is agricultural in nature, which is also depicted from the site plan placed by the petitioner on record as Annexure P-21, which is admitted to be correct by the officials present on the spot. The site plan, extracted from the site plan (Annexure P-21) as well as the extract of google maps showing the location of both the rural roads and the photographs are appended herewith for ready reference.

In addition to this, it would also be pertinent to mention here that another retail outlet of IOCL is running on this very road which is at a distance of about 270 meters from the intersection of both rural roads.”

In view of above, learned State counsel submits that the matter can be re-examined by the Deputy Commissioner.

Under the circumstances, impugned order (Annexure P-16) is hereby set-aside with liberty to the Deputy Commissioner to decide the matter afresh, taking into consideration various reports available on record as well as rules/instructions applicable to the matter.

Petition is allowed in these terms.

(RAJAN GUPTA)
JUDGE

November 29, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No