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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11489/2017

M/S SETHI AUTO SERVICE STATION
AND ORS.

..... Petitioners

Through: Mr Kamal Mehta and Mr Sudeep
Singh, Advocates.

versus

LAND AND DEVELOPMENT OFFICE (L & DO)
AND ANR.

..... Respondents

Through: Mr Dev P. Bhardwaj and Ms Anubha
Bhardwaj, Advocates for R-1/L&DO.
Mr M. M. Kalra and Ms Sonali
Kumar, Advocates for R-2/IOCL.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
21.12.2017

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CM No. 46844/2017

1. Allowed, subject to all just exceptions.

W.P.(C) 11489/2017 & CM No.46843/2017

2. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to respondent no.2 to re-site the petitioners' dealership at a site located on Ring Road, Opposite Hyatt Hotel, New Delhi, which the petitioners claim was earmarked for the petitioners. The petitioners also challenge the decision of the Land Allotment Screening Committee (hereafter 'the Screening Committee'), whereby the petitioners' request for allotment of the site has been rejected.

3. The question of allotment of the site for a retail outlet (petrol pump) was considered by the Screening Committee at a meeting held on 21.09.2017 under the Chairmanship of the Additional Secretary, D&C, Ministry of Housing & Urban Affairs at a meeting held on 21.09.2017. The relevant extract of the Minutes of the said meeting read as under:-

“5.1 L&DO informed that IOCL was allotted land on 27.04.62 to set up a retail outlet at Poorvi Marg, New Delhi which was a part of Delhi Ridge area. In pursuance of directions of Hon’ble Supreme Court, the Ridge area was cleared and Petrol Pump was relocated at Sector-3, Rohini. As per submission of IOCL, the business of the Petrol Pump at Rohini has fallen due to coming up of flyover opposite Petrol Pump. DDA had allotted the land at Rohini to relocate the Petrol Pump from Poorve Marg. However, DDA this time has expressed its inability to provide land on the plea that original allottee was L&DO and they have provided land at Rohini in pursuance of directions of Hon’ble Supreme Court. L&DO in consultation with IOCL and CPWD has earmarked a site at Ring Road opposite Hayat Hotel.

5.2 The Committee after deliberations decided that the stretch of Ring Road where the Petrol Pump is to be relocated is already saturated with Retail outlets of oil CPSEs. Therefore, this site could not be allotted to IOCL. However, as the retail outlet is servicing the need of Rohini area, the IOCL may identify the site at Rohini area for relocation of Petrol Pump.”

4. It is seen from the above that the Screening Committee has rejected the request for allotment of the site in question to Indian Oil Corporation Limited on the ground that the stretch of road where the site is located is already saturated with the retail outlets of oil CPSEs. Although the learned counsel for the respondents disputes the same, this Court is of the view that the question whether the site for the petrol pump ought to be located at a

particular site would be at the discretion of the concerned authorities and the petitioners cannot insist that a particular site be allotted to IOCL/petitioners. Since a Special Committee has already examined the issue, this Court is not inclined to review the same in these proceedings.

5. This Court finds no material to hold that the said decision of the Screening Committee is either perverse or unreasonable on the test of the *Wednesbury* principle.

6. The learned counsel for the petitioners has also contended that the Screening Committee had no jurisdiction to examine this question. However, he has been unable to substantiate the said contention.

7. Accordingly, the petition alongwith the application is dismissed.

8. Needless to mention, if the petitioners are entitled to relocation of their current retail outlet, the respondents shall take an appropriate steps for the same as expeditiously as possible.

VIBHU BAKHRU, J

DECEMBER 21, 2017
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