

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 16872 of 2017

Date of decision : 16.11.2018

Jai Mala

....Petitioner

V/s

Union of India & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Aakash Juneja, Advocate for the petitioner.

Mr. Rajiv Verma, Advocate for respondent no. 1.

Mr. Sourabh Mohunta, DAG Haryana.

Mr. Raman Sharma, Advocate for respondent no. 3.

RAJAN GUPTA J.

Petitioner has impugned the order dated 05.06.2017 passed by District Magistrate, Kurukshetra, operative part thereof reads as under:-

“Therefore, the Defendants No. 1 and 2 are not found eligible in the present circumstances for issuing the “No Objection Certificate” for setting up of the proposed Retail Outlet on Kurukshetra – Amin road Khewat No. 1/2, 2,9/2,10/1 at Village – Amin, Tehsil – Thanesar, District Kurukshetra as per 4.6.3 and 4.6.4 of Indian Road Congress 2009. Hence, as per the guidelines framed/issued by the Indian Road Congress no NOC for the installation of new petrol pump can not be issued as applied in violation of the guidelines of Indian Road Congress and hence the application dated 17.08.2016 filed for issuance of NOC at Kurukshetra-Amin Road is hereby rejected”

It has been urged before the court that the guidelines framed

under the Indian Road Congress 2009 are merely directory in nature. The

issue has been dealt with by this court in the various judgments (Anneuxres P-9 & P10). It is, thus, prayed that matter be remitted to same authority for decision afresh after considering these pleas. The prayer is not opposed by learned counsel representing the respondents.

In view of above, impugned order is hereby set-aside. Matter is remitted to same authority for decision afresh after affording opportunity of hearing to the parties.

Allowed in these terms.

November 16, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No