

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

LPA No.258 of 2018 (O&M) in
CWP No.27801 of 2017
Date of decision : 17.02.2018

Shahida Akhter

...Appellant

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Abhilaksh Grover, Advocate,
Mr. Prappan Uppal, Advocate and
Mr. Narender Singh, Advocate for the appellant.

RAJESH BINDAL, J.

The order passed by the learned Single Judge dated 07.12.2017 dismissing the writ petition finding that the appellant did not have locus to approach the Court as the dispute was between the Municipal Corporation, Faridabad and Hindustan Petroleum Corporation Limited, has been challenged by filing the present intra-court appeal.

Learned counsel for the appellant submitted that the appellant had the locus to file the writ petition challenging the action of the Municipal Corporation whereby allotment of the land in favour of the Hindustan Petroleum Corporation Limited was cancelled as ultimately the appellant was the person adversely affected. In correspondence with the Municipal Corporation the name of the appellant figures. Action has been taken on the complaint filed by one Mohammad Javed alleging certain illegal mining in the property in question. The appellant was never afforded any opportunity of

hearing by any authority before taking the action. In fact, the appellant had spent ₹ 30-40 lacs to develop the land for setting up the petrol pump.

After hearing the learned counsel for the appellant, we do not find any error in the order passed by the learned Single Judge. As facts are available on the record, the appellant was initially allotted retail outlet dealership at HANDCHAWALGAM (Kulgam-Shopian Road), District Kulgam, State of Jammu and Kashmir on 06.06.2008, however, on account of the non-availability of the land in the area, it is claimed that as per the policy of the Hindustan Petroleum Corporation Limited, she was issued Letter of Intent for setting up the retail outlet in Village Sarai Khawaja, District Faridabad vide letter dated 10.11.2014. One of the conditions in the Letter of Intent is that the allottee is to lease the suitable plot of land to the Hindustan Petroleum Corporation Limited for a period of 30 years with renewal option. In case, the land available with the allottee is on lease, right to sub-lease should be available.

It is not in dispute that in the case in hand, the appellant-allottee does not own any land. In fact, prior to the issuance of Letter of Intent by the Hindustan Petroleum Corporation Limited in favour of the appellant, the Hindustan Petroleum Corporation Limited had got the land allotted from the Municipal Corporation vide letter dated 16.09.2014 on certain conditions. It was this land which was given to the appellant by Hindustan Petroleum Corporation Limited after issuance of Letter of Intent on 10.11.2014. She was no where in the picture when land was allotted to Hindustan Petroleum Corporation Limited. The communication impugned before the learned Single Judge by the appellant is dated 02.11.2017 which is addressed by the

Principal Secretary to the Government of Haryana, Urban Local Bodies Department, to the Commissioner, Municipal Corporation, Faridabad cancelling the allotment of the land finding violation of the certain conditions in the letter of allotment. The appellant is not privy to that as the allotment of the land in favour of Hindustan Petroleum Corporation Limited from Municipal Corporation came into picture much prior to the issuance of the Letter of Intent by the Corporation in favour of the appellant.

In these circumstances, we do not find that there is any error in the order passed by the learned Single Judge, dismissing the writ petition on the locus standi of the appellant to impugn the communication wherein she is nowhere party.

In view of the above, the present appeal is dismissed. Consequently, the application for condonation of delay in filing the appeal is also dismissed.

However, dismissal of the writ petition and the present appeal will not debar the appellant to avail the appropriate remedy for redressal of the grievance against Hindustan Petroleum Corporation Limited, if any, in accordance with law.

(RAJESH BINDAL)
JUDGE

17.02.2018

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No