

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1877 of 2016

Saurabh Tiwari S/o R. K. Tiwari, Aged About 32 Years R/o A- 35,
Sector- 1, Shankar Nagar, Raipur, District Raipur Chhattisgarh,.
--- **Petitioner**

Versus

1. State of Chhattisgarh through Secretary, Department of Housing & Environment, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. Joint Secretary, Housing & Environment Department, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh
3. Director, Town & Country Planning, Mantralaya, Naya Raipur District Raipur , Chhattisgarh
4. Joint Director, Town & Country Planning, Regional Office, Shastri Chowk, Raipur, District Raipur , Chhattisgarh
5. Collector, Raipur, District Raipur Chhattisgarh,
6. Indian Oil Corporation Limited through the Divisional Manager, Indian Oil Bhawan, Rajiv Gandhi Marg V I P Marg P O Ravigram, Telibandha, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
--- **Respondents**

For the Petitioner	:	Mr. Matin Siddiqui, Advocate
For State/R-1 to R-5	:	Mr. Sudip Verma, Dy. G.A.
For Respondent No.6	:	Mr. Anand Shukla, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.04.2019

1. The case of the petitioner is that a Letter of Intent (LOI) has been issued in his favour to install a petrol pump on the land bearing Kh.No.1131/1 (1131/1f) ad-measuring 0.095 hectares. It is stated that though he has been granted the Letter of Intent and No Objection Certificate was issued by the Collector, yet the permission was not accorded by the

Director Town and Country Planning. He submits that opening of the petrol pump was not allowed by the Director, Town and Country Planning on the ground that the area earmarked and chosen for opening the petrol pump falls within the development zone and 30 meters only distance would remain as the land situates at the junction of MR-23 & MR-31 and as per Rule 53(iv) of the Bhumi Vikas Niyam, 1984 the petrol pump should have been at a distance of 80-100 meters from the junction. According to the State, the distance of petrol pump is within 8200 meters as such the permission was not accorded.

2. Learned counsel for the petitioner would submit that at present he may be allowed to open the petrol pump since the development is yet to be carried out in that area and the roads are to be constructed. It is stated that as and when the development is carried out, he would shift or close the petrol pump without claiming any damage either from the Indian Oil Corporation or the State.
3. Learned State Counsel opposes the said submission of the petitioner.
4. It appears that different orders have been passed in in favour of the petitioner to install a petrol pump. However, in view of the objection made by respondents 2, 3 & 4 that the petrol pump was not allowed to operate, the petitioner before the Court has prayed that as and when the development works are carried out in future, he would remove the petrol pump, without claiming any damages either from the IOC or from the State, therefore, in the facts and circumstances of the case, taking into consideration the time gap which looms

large qua the development, the petitioner shall be at liberty to open the petrol pump on the allotted space subject to submitting an undertaking to the State i.e., Town and Country Planning/Collector that in future as and when the development is carried out, he would shift/close the petrol pump without claiming any damages.

5. With the above observations, the petition stands disposed off.

**Sd/-
GOUTAM BHADURI
JUDGE**