

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

CWP-24367-2018

Date of decision: 15.7.2019

Bimla Rani

...Petitioner(s)

Versus

Union of India and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.HS Sandhu, Advocate for the petitioner

Mr.BS Kanwar, Advocate for respondent Nos. 1, 2 and 6

Ms.Sunint Kaur, AAG, Punjab for respondent Nos. 4 & 5

None for respondent No.7

Mr.HK Aurora, Advocate for respondent No.8

JITENDRA CHAUHAN, J.

This writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of direction to respondent No.4 – Deputy Commissioner-cum- District Magistrate, Jalandhar to issue 'No Objection Certificate' (for short 'NOC') to the petitioner for setting up the retail outlet for selling petroleum products at village Basti Bawa Khel, Tehsil Jalandhar-II, District Jalandhar.

Separate replies have been filed on behalf of respondent Nos. 4 & 5; and respondent No.8 in the Court today. The same are taken on record. Copies thereof have been supplied to the opposite counsel.

Learned counsel for the petitioner states that the case of the

petitioner has already been recommended by the authorities except respondent No.4- Deputy Commissioner, Jalandhar for execution. At this stage, he would be satisfied, if a direction is issued to respondent No. 4- Deputy Commissioner-cum- District Magistrate, Jalandhar, to consider and decide her application dated 26.12.2014 (Annexure P-2) for issuance of NOC, expeditiously.

In view of the above, without adverting to the merits of the case, the present petition is disposed of with a direction to respondent No. 4- Deputy Commissioner-cum- District Magistrate, Jalandhar, to consider and decide her application dated 26.12.2014 (Annexure P-2) for issuance of NOC, after giving an opportunity of hearing to the parties, in accordance with law expeditiously preferably within six weeks from the date of receipt of the certified copy of the judgment. In case, on consideration, the competent authority reaches to the conclusion that the benefit claimed by the petitioner is admissible to her, in such eventuality, the consequential relief be allowed to her, within a period of six weeks thereafter. However, in case the competent authority feels that the relief claimed by the petitioner is not admissible or made out, in that case, a speaking order be passed in the matter.

15.7.2019
gsv

[JITENDRA CHAUHAN]
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No