

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

CM-11279-CWP-2019 in/and
CWP-26649-2018 (O&M)
Date of decision: 19.8.2019

Gram Panchayat Taraf Majra

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.GS Dhillon, Advocate for the petitioner

Mrs.Anju Arora, Addl.AG, Punjab

Ms.Charu Sharma, Advocate for respondent Nos. 3 & 4

Mr.AK Jain, Sr. Panel Counsel for respondent No.5- UOI

Mr.Vishal Gupta, Advocate for respondent No.6

JITENDRA CHAUHAN, J.

CM-11279-CWP-2019

For the reasons mentioned in the application, the same is allowed and reply filed on behalf of respondent No.5 is taken on record subject to all just exceptions.

CWP-26649-2018

The present writ petition under Article 226 of the Constitution of India has been filed for issuance of direction to respondent No.9 to enforce the letter dated 7.6.2018 (Annexure P-4) passed by respondent No.2 and also for directing to respondent Nos. 2, 7 to 9 to maintain interim status

quo qua the property located at village Taraf Majara measuring 3K-0M comprised in Khasra No. 23//15/1 (3-0) situated within the revenue limits of village Bhallan, Tehsil Nangal, District Rupnagar.

Learned counsel for the petitioner contends that as per the letter dated 7.6.2018 (Annexure P-4), respondent No. 2- District Magistrate, Rupnagar, declined to grant NOC to respondent No.6 to construct godown keeping in view the report presented by Sub Divisional Magistrate, Nangal with direction that no construction of LPG godown shall be allowed in the area in question. Despite that respondent No.6 is carrying on the construction of godown over the area in question, which is likely to endanger the life of the inhabitants of village Taraf Majara. No permission has been sought from the Controller of Explosives as well as from the Gram Panchayat village Taraf Majara.

On the other hand, learned counsel for respondent Nos. 3 and 4 states that licence No.G/NH/PB/06/218 (G47567) was allowed to respondent No.6 for LPG cylinder storage shed for the site situated in Khasra No.23//15/1 in village Bhallan, which does not fall in the jurisdiction of village Taraf Majra and Gram Panchayat Bhallan has already issued No Objection Certificate dated 28.1.2018 in pursuance of the Resolution No.89/90 passed by the Gram Panchayat.

Learned counsel for respondent No.5 has also submitted that the approval to storage of LPC gas cylinders had been granted in accordance to the condition 5(a) of Form 'F' under the Gas Cylinder Rules 2016, which clearly stipulates the distances between any building, public

place, public road or any adjoining property, which may be built upon and storage shed used for the storage of liquefied petroleum gas cylinders.

It is submitted by learned counsel for respondent No.6 that in pursuance of the Amendment Rules as well as NOC from the Gram Panchayat, Bhallan, LPG godown had been constructed and the same is fully functional. About 2000 connections have been issued to the residents of both the villages.

Heard.

The licence of LPG Gas cylinders distributorship was granted to respondent No.6 in accordance with Rule 50 of the Rules on receipt of the relevant documents alongwith NOC issued by the local authority i.e. Gram Panchayat, Bhallan, as per Rule 48(3)(b) of the Gas Cylinder 2nd amendment Rules, 2018. As per the notification dated 15.3.2018 the Government of India, Ministry of Commerce and Industry, Department of Industrial Policy and Promotion had amended the Gas Cylinders Rules, 2016 vide Gas Cylinders (Second Amendment) Rules, 2018, whereby it has been provided no objection certificate shall be required from the local body such as Gram Panchayat or Urban Local Body concern and not from the District Magistrate. In pursuance of the said Notification, NOC from the Gram Panchayat, Bhallan had already been issued in favour of respondent No.6 for setting up of LPG Godown in Khasra No.23//15/1 (3-0), Village Bhallan, Hadbast No.273, Tehsil Nangal, District Rupnagar. Now the agency in question is fully functional and the same has already issued about 2000 connections including the residents of the village Taraf Majara.

Moreover, Government of India, Ministry of Commerce and Industry, Petroleum and Explosive Safety Organization vide letter dated 22.12.2017 has given prior approval to respondent NO.6 for construction of godown for storage of LPG cylinders at the site in question. As per the reply filed by respondent No.5, the land in question falls in the jurisdiction of Gram Panchayat Bhallan, which fact is corroborated from the written statement filed by respondent Nos.3 and 4. Therefore, they have no locus standi to object the same.

In view of the above, the present petition being devoid of merit is dismissed.

19.8.2019
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No