

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-9514-2020 (O&M)  
Date of Decision: 16.07.2020

Satpal Kaur

.. Petitioner

Vs.

Union of India and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Parminder Singh, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

CM-6322-2020

Application is allowed, subject to all just exceptions. Indian Roads Congress Guidelines are taken on record as Annexure P-6.

CWP-9514-2020

Petitioner has filed this writ petition under Article 226/227 Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to consider the representation (Annexure P-4) for cancellation of No Objection Certificate issued by respondent No.2 in favour of respondent No.4 granting the permission for setting up the petrol pump.

Learned counsel for the petitioner has argued that the site chosen for setting up the petrol pump is situated at a distance of 800 meters from the petrol pump of the petitioner i.e. less than 1000 meters and, therefore, the No Objection Certificate granted by the competent authority is apparently violative of the IRC guidelines. He has drawn the attention of the Court to the IRC guidelines meant for access, location and layout of the road side of fuel station and service station. It is prayed that the decision is bad in law and, therefore, warrants interference by this Court under Article

226 Constitution of India.

During the course of hearing, it is not disputed by the learned counsel that the petrol pump of the petitioner is situated on the opposite side of the road in between the two petrol pumps and the road is also divided by the median. Apart from it, Mr. Parminder Singh, learned counsel does not dispute the fact that the two petrol pumps can be allowed to be set up in the close vicinity, but subject to certain conditions as contemplated in Clause 4.6.3 of the IRC guidelines relied upon by him.

At this stage, learned counsel was asked to produce the No Objection Certificate issued in favour of respondent No.4, but in response, he states that neither the copy of the same is available with him nor the said No Objection Certificate has been placed on record in the present writ petition. However, in support of his case, reliance has been placed upon the judgment passed in *Indian Oil Corporation Ltd. V. Arti Devi Dangi (SC) 2016 (15) SCC 480*.

After hearing learned counsel for the petitioner, this Court finds that in support of the case, the petitioner has failed to produce the relevant material to point out the alleged illegality in issuing the No Objection Certificate. As the No Objection Certificate in favour of respondent No.5 is not on record, therefore, it cannot be observed that the authorities have issued the same without considering the IRC guidelines, only on the basis of the bald averments made in this petition. Further, the judgment relied upon by the learned counsel may not be applicable in the present case as in the said case, the issue raised therein related to the distance between the petrol pump and median of the road, which was raised at the initial stage when the advertisement was issued. However, in the present case, not only the No

Objection Certificate stands granted, but the construction at the site is also in progress, which is evident from the photographs (Annexure P-5) appended with the petition.

Resultantly, this Court does not find any reason to exercise the extraordinary writ jurisdiction, accordingly the petition is dismissed.

16.07.2020  
*Jasmine Kaur*

(MANOJ BAJAJ)  
JUDGE

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether reportable        | No  |