

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

**CWP No.20623 of 2020
Date of decision: 03.12.2020**

Shiva Rice Traders

...Petitioner

Versus

Indian Oil Corporation Limited

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Shiv Kumar Sharma, Advocate,
for the petitioner.

Ritu Bahri, J.

This petition has been filed for quashing of the impugned notice dated 19.11.2020 (Annexure P-4), whereby petitioner has been ordered to remove its construction/building of rice mill over his land.

Initially, the petitioner was served with a notice dated 19.05.2003 (Annexure P-1) for violations of the provisions of the Petroleum Mineral Pipelines Act, 1962. Thereafter, vide letter dated 26.05.2003 (Annexure P-2), permission was granted to the petitioner to make construction. Grievance of the petitioner is that it (petitioner) has made construction as per the guidelines, but vide impugned notice dated 19.11.2020 (Annexure P-4), respondent has asked the petitioner to remove its building of rice mill.

Notice of motion.

At this stage, Mr. Ashish Kapoor, Advocate, accepts notice on behalf of the respondent and states that in case, the petitioner does not

under Sections 9 and 15 of the Petroleum and Minerals Pipeline Act, 1962, to approach the District Judge, who will enquire the matter and pass appropriate orders regarding removal of illegal construction/encroachment. He further states that the impugne notice in itself is not a ground to get a stay on demolition.

Keeping in view the stand taken by learned counsel for the respondent, this petition is disposed of by observing that the Indian Oil Corporation Limited will avail the remedy by approaching the District Judge (under whose jurisdiction the disputed area/building falls) under Sections 9 and 15 of the aforesaid act and thereafter, appropriate steps can be taken in accordance with law, as to whether the encroachment is to be removed or not. The petitioner shall be at liberty to take all the pleas before the District Judge at the time of filing of an application under Sections 9 and 15 of the Act.

03.12.2020
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No