

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

CWP 22226 of 2020 (O&M)

Date of Decision : December 22, 2020

M/s Energy Centre and another

...Petitioners

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Shiv Kumar Sharma, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

The matter has been taken up through video-conferencing
on account of outbreak of pandemic COVID-19.

Petitioner No. 1 M/s Energy Centre and Filling Station
running a retail outlet at Faridkot and petitioner No.2 Rajinder Kumar a
shop keeper therein have both come in this civil writ petition under
Articles 226/227 for issuance of writ of *certiorari* seeking quashment of
NOC dated 02.12.2020 Annexure P5 issued by respondent No.3 to be
illegal and uncalled for in utter violation of the safety and security
concerns of the residents.

Upon hearing Dr. Anmol Rattan Sidhu, Sr. Advocate assisted by Mr. Shiv Kumar Sharma and perusal of the records.

It is well reflected on the records that petitioner No.1 and respondent No. 5 have their retail outlets in vicinity of each other, thus, obviously apprehensive of the competition which might be posed by respondent No.5, petitioner No.1 has roped in petitioner No. 2 a grocer of the area to file this petition which is more by way of public interest litigation and which is evident otherwise from the objections earlier filed by way of Annexure P-6 rather strengthens the belief of the Court that the petition is more out of personal business rivalry is likely to be ensued out of this installation by respondent No.5.

The Court has gone through the photographs fixed on Annexure P-4 and it cannot be termed that mere installation of a pole in between the road falls within the ambit of a chowk and the site of the petitioner No.1 petrol pump as per the site plan Annexure P5 are just opposite to each other. The petitioners could not bear out how this issuance of 'NOC' is against the norms laid down by virtue of Annexure P-2. Moreover, the earlier objections Annexure P-1 passed by the respondents and subsequent challenged 'NOC' Annexure P-5 shows that it is purely for small filling station only for two and three wheeler vehicles for which the land on which respondent No.5 intends to make the installation fulfils the condition. Thus, the resort to such an extraordinary writ jurisdiction by the petitioners is highly uncalled for and

being misuse of process of law and as such, the petitioner is dismissed in *limine*.

December 22, 2020

(FATEH DEEP SINGH)

amit rana

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No