HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 12822/2020

Vikash Ostwal S/o Shri Prakash Chand, Aged About 30 Years, R/o- 282, Bapu Nagar Extn. Pali (Raj.).

----Petitioner

Versus

1. Union Of India, Through The Secretary Ministry Of Road Transport And Highways, Transport Bhawan-1, Parliament Street, New Delhi 110001.
2. The District Collector, Pali (Raj.).
3. The Sales Officer, Indian Oil Corporation, Divisional Officer, Plot No. - 1162, 1163, Hiran Magri Sector-11, Udaipur-313002.
4. Pinky Choudhary W/o Shri Mahipal Choudhary, Aged About 33 Years, R/o- 14-A, Basant Vihar Extn. Opp. Bajrang Bagh Mandir, Pali (Raj.).

----Respondents

For Petitioner(s) : Mr. K.K. Shah (through VC).
For Respondent(s) :

HON'BLE MR. JUSTICE ARUN BHANSALI
Order

05/12/2020

This writ petition has been filed by the petitioner seeking a direction to the respondents, not to issue any NOC for installation of fuel station on plot No.12 of respondent No.4.

It is inter-alia indicated in the writ petition that the respondent No.4 has been selected by the Petroleum Company for setting up of fuel station in Pali City, within urban limits (in Transport Nagar).

It is alleged that the fuel station is not being set up at the allotted place; despite the fact that the plot in question does not fulfill the requirements under various statutes, the respondents are in the process of issuing NOC to the respondent No.4.

Further submissions have been made that petitioner has made representations to the District Magistrate in this regard, who

though has prepared the site map indicating the status wherein the residential buildings are situated just next to the subject plot, still the District Magistrate is likely to issue the NOC. It is prayed that the respondent be restrained from issuing NOC.

I have considered the submissions made by learned counsel for the petitioner and have perused the material available on record.

Presently, the respondent No.2 as per the avermetns made in the petition is in the process of issuing NOC i.e. the NOC has so far not been issued.

This Court, possibly cannot substitute its opinion for the District Magistrate as to whether the NOC must be issued or not in the circumstances indicated by the petitioner.

In view thereof, as the petitioner has already approached the District Magistrate with his objections, it is directed that the District Magistrate while issuing the NOC, if any, shall pass a speaking order dealing with all the objections as raised by the petitioner to the issuance of NOC.

The petitioner, would be free to file a fresh representation, which if he decide to file, be filed by 9.12.2020.

With the above directions, the present writ petition filed by the petitioner stands disposed of.

(ARUN BHANSALI),J

85-pradeep/-