

18.06.2021
Court No. 19
Item no.09
CP

WPA No. 10675 of 2021

Smt. Indu Singh
vs.
Union of India & ors.

(via video conference)

Mr. Debabrata Saha Roy
Mr. Neil Basu

.....for the petitioner.

Mr. Arijit Majumdar

....for the respondents 1 & 2.

Despite service none appears on behalf of the National Highway Authority of India the respondent no. 3 herein. It appears that the highway authorities have been served with a copy of the writ petition.

The petitioner is aggrieved by the inaction on the part of the Project Director, Project Implementation Unit – Kolkata, Synthesis Business Park, New Town in disposing of the application for permission to run the retail outlet of Bharat Petroleum Corporation Limited.

According to the petitioner, under the guidelines of the National Highway Authority of India access permission was required for running the petrol pump on the highways. The petitioner is a petrol pump owner who runs a retail outlet of Bharat Petroleum Corporation Limited under the name and

style of Atulanand Service Station. In response to a notice dated June 9, 2021 an appropriate application was made for a no objection/permission from the Project Director by the Bharat Petroleum Corporation Limited on June 12, 2021 on behalf of the petitioner. As submitted by Mr. Saha Roy, the said application along with all relevant documents have been kept pending and the period of seven days within which the permission was directed to be taken by the National Highway authorities is going to come to an end. The application for access/permission is required to be disposed of.

Mr. Majumdar, learned advocate appearing for the respondents 1 and 2, submits that the application for no objection and/or permission has to be decided by the Highway authorities themselves and the Union of India does not have any role to play with regard to such grant of access/permission. Mr. Majumdar submits that the respondents for whom he is appearing are only responsible for framing the guidelines but the necessary permissions are not given by the respondents 1 and 2.

Under such circumstances, the writ petition is disposed of with a direction upon the respondent no. 4, namely, Project Director, National Highway Authority of India, Project Implementation Unit – Kolkata, Synthesis Business Park, New Town, to

dispose of the application filed by the Bharat Petroleum Corporation Limited on behalf of the petitioner on June 12, 2021 which is Annexure – P3 at page 30 to the writ petition.

Such application should be disposed of mandatorily within a period of two weeks from date, in accordance with law, independently and by following the relevant guidelines framed by the government. The decision should be communicated within the afore-mentioned period. Till the disposal of the same, no coercive steps will be taken against the petrol pump run by the petitioner. I have not gone into the merits of the application or the eligibility of the petitioner for grant of permission.

With the above observations, the writ petition is disposed of. There shall be no order as to costs.

All parties are to act on the server copy of this order.

(Shampa Sarkar, J.)