

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

**CWP No. 3577 of 2021 (O&M)
Date of Decision:16.02.2021**

Jagjit Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. J.S. Toor, Advocate for the petitioner.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Prayer in the instant petition is for quashing of an order dated 24.01.2019 (Annexure P-1) which as per the petitioner, grants permission for setting up of a petrol pump within the revenue estate of Village Tooran within the municipal limits of Mandi Gobindgarh abutting State Highway (SH-12A) leading from Mandi Gobindgarh to Bhawanigarh.

Counsel has been heard and pleadings on record have been perused.

In the considered view of this court, the writ petition is pre-mature and no intervention at this stage is warranted.

Perusal of the impugned memo dated 24.01.2019 (Annexure P-1) which the petitioner is terming as a permission for setting up of a petrol pump is infact issued on the subject of revival of NOC for installation of a petrol pump of the reliance company on Amloh Road. As per contents of the

impugned memo dated 24.01.2019 an NOC that had earlier been issued was rejected. Now the Executive Engineer (Construction Division), PWD, Buildings and Roads Branch, Nabha, has issued the impugned memo dated 24.01.2019 and addressed to the District Controller, Food & Civil Supplies and Consumer Affairs, Fatehgarh Sahib, containing a recommendation for revival of the NOC that had earlier been rejected on 12.06.2017 by citing a ground that Punjab Government vide notification dated 24.01.2019 has issued certain revised guidelines. Clearly the impugned memo dated 24.01.2019 cannot be construed as a final decision as regards revival of a NOC for installation of a petrol pump. It is at best in the nature of recommendation and which is yet to be considered by the concerned/competent authority.

In such view of the matter, this Court would leave it to the competent authority to take a decision as per law and as per relevant instructions/guidelines, governing the grant of permission for setting up a petrol pump.

No interference at this stage is called for.

Writ petition is disposed of.

It is clarified that this Court has not examined the issue on merits.

(TEJINDER SINGH DHINDSA)
JUDGE

February 16, 2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No