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

**CWP No.4078 of 2020 (O&M)**

**Date of Decision: 21.12.2021**

**DILBAGH SINGH**

**.....Petitioner**

**Vs**

**HINDUSTAN PETROLEUM CORPORATION LIMITED AND  
ANOTHER.**

**....Respondents**

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Shubhankar Baweja, Advocate  
for the petitioner.

Mr. Raman Sharma, Advocate  
for the respondents.

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**RAJ MOHAN SINGH, J.(Oral)**

Petitioner has preferred this writ petition under Article 226 of the Constitution of India for the issuance of an appropriate writ, order or direction, especially in the nature of mandamus directing the respondent-Hindustan Petroleum Corporation Limited to remove the machinery installed on the land of the petitioner which is not being used for more than seven years and is kept lying defunct on the land of the petitioner.

Lease in favour of respondent-Corporation has already expired and, therefore, dealership agreement has come to an end. The site has not been used for the purpose for which the

same was leased after 2015.

On 28.10.2021, learned counsel for the respondents sought time to have further instructions in the context of whether company is ready to receive compensation i.e. Cost of installation, cost of removal and other operational charges from the petitioner in order to deliver the possession of the land on and underneath the petrol pump.

Today, learned counsel for the respondents on instructions from Mr. Subodh Choudhary, DGM (R), HPCL, Chandigarh submits that the respondents have agreed in principle that the Corporation shall deliver possession of the site in question to the petitioner provided a consolidated amount of Rs.10 lakhs is paid to the respondent-Corporation towards cost(s) of depreciation of the infrastructure and shifting.

Learned counsel for the petitioner has accepted the aforesaid proposal.

The apprehension of learned counsel for the respondents is that the sale in favour of the petitioner has not been authenticated as the respondents-lessee was not privy to any sale executed by original owner in favour of the petitioner.

Learned counsel for the petitioner submits that the sale deed in favour of the petitioner has already given effect in the revenue record and the petitioner shall satisfy the respondents with clear title available in favour of the petitioner.

In view of aforesaid position, let an amount of Rs.10 lakhs be deposited in the account of the respondent-Corporation. The details of which shall be provided by learned counsel for the respondents to the petitioner within two days.

Subject to deposit of the aforesaid amount, the respondent-Corporation shall deliver the possession of the site in question on proper verification of title of the petitioner within a period of three weeks thereafter.

Petition stands disposed of.

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|---------------------------|-------------------|
| December 21, 2021         | (RAJ MOHAN SINGH) |
| <i>Atik</i>               | JUDGE             |
| Whether speaking/reasoned | Yes/No            |
| Whether reportable        | Yes/No            |