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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-9320-CWP-2021 in/and
CWP-11849-2021 (O&M)
Date of Decision:23.07.2021

Sandeep Pal Singh Dhaliwal

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Vinod S. Bhardwaj, Senior Advocate with
Mr. Abhishek S. Bhaskar, Advocate and
Mr. Ajay Singh Bhattian, Advocate
for the petitioner.

SUDHIR MITTAL, J. (ORAL)

CM-9320-CWP-2021

This is an application under Section 151 CPC for seeking
correction/clarification of the order dated 06.07.2021 passed by this
Court.

For the reasons mentioned therein, the application is
allowed.

Main Case

Learned senior counsel for the petitioner relies upon M.
S. Jayaraj Vs. Commissioner of Excise, Kerala and Ors., 2000 (7)
SCC 552 to submit that the petitioner has a locus standi as his
business interest would be adversely effected by the illegal retail
outlet being permitted to be set up by respondent No. 11. The
contention is accepted.

It is next submitted that a large number of illegalities have been committed by the PWD (B&R) Department while issuing NOC. Further, there are inconsistencies in the reports submitted by the Revenue Department, Department of Development and Panchayat and Department of Town and Country planning. The same has been brought to the notice of respondent No. 2 by way of representation dated 31.05.2021 (Annexure P-18) but he is proceeding ahead with issuance of NOC without taking the same into consideration.

Notice of motion to respondent Nos. 1 to 10 only.

Ms. Anju Sharma Kaushik, Deputy A.G., Punjab accepts notice on behalf of State and submits that hearing before the Deputy Commissioner is pending and has not been concluded. Thus, it is incorrect to submit that he is going ahead without taking into consideration the representation (Annexure P-18).

Be that as it may, the writ petition is disposed of with a direction to respondent No. 2 to decide the issue of NOC after objectively taking into consideration the objections raised by the petitioner vide Annexure P-18 and by passing a speaking order.

July 23rd, 2021
Mehak

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No