

CWP No. 16832 of 2021

Date of Decision: 31.08.2021

Pardeep Singh**....Petitioner****VS****Indian Oil Corporation Ltd. and others****....Respondents****CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL****Present:** Mr. S.S. Momi, Advocate
for the petitioner

SUDHIR MITTAL, J. (Oral)

The petitioner is aggrieved because allegedly respondent No. 3 has offered certain land for setting up a retail outlet which according to the petitioner is not free from all encumbrances and he does not have clear title thereto. He places reliance upon report of the Patwari dated 02.08.2021 (Annexure P-10).

Mr. Ashish Kapoor, Advocate is appearing on behalf of respondents No. 1 and 2 on account of advance notice. He submits that respondent No. 3 was allotted a retail outlet after draw of lots conducted on 30.06.2019. Thereafter, the land offered by him has been verified as is evident from the report of Sh. Kali Ram Garg, Advocate dated 20.02.2020 (Annexure P-7). The said report makes it clear that 1225 sq. yards of land offered by respondent No. 3 is free from all encumbrances. The district authorities have also issued No Objection Certificate and thereafter an agreement has been signed with respondent No. 3 and construction work has commenced. The report dated 02.08.2021 (Annexure P-10) relied upon by the petitioner is belated and is ambiguous.

According to learned counsel for the petitioner, the report dated 02.08.2021 (Annexure P-10) conclusively shows that the land offered by

respondent No. 3 is not free from all encumbrances and is partially leased out/mortgaged.

The aforementioned contention can not be accepted because the said report is ambiguous. It does not refer to the relevant mutation entries regarding lease/mortgage. In any case, the allotment has been made on the basis of relevant reports and clearances. All of them can not be assumed to be wrong.

The argument of learned counsel for the petitioner raises a disputed question of fact which can only be gone into by the civil Court. Thus, the writ petition is dismissed.

(SUDHIR MITTAL)
JUDGE

31.08.2021
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Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No