

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

Sr. No.207

**Civil Writ Petition No.20133 of 2020
Date of Decision : May 27, 2022**

Vikas

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Mansur Ali, Advocate with
Mr. Rajsumer Singla, Advocate and
Mr. Imran Ahmad Ali, Advocate,
for the petitioner.

Mr. Ankur Sharma, Advocate,
for respondents No.1 & 2-UOI.

Mr. Sunil Toni, Advocate,
for respondent No.4.

Mr. Vipul Joshi, Advocate,
for respondent No.5.

SUDHIR MITTAL, J. (ORAL)

An advertisement dated 25.11.2018 was issued inviting applications for a retail outlet. The petitioner applied in Group-II as a Scheduled Caste Category candidate. He was successful in the draw of lots whereafter he completed all formalities including offer of land. The land offered was not suitable and thus, he was permitted to offer alternate land. The alternate land offered was accepted and the petitioner was asked to get a clearance regarding the suitability thereof from National Highway Authority of India-respondent No.4. Consequently, communication dated 26.10.2020 was sent to the said respondent who has refused to entertain the

same on the ground that such an application should be submitted by the Oil Company. Thus, this writ petition has been filed.

Learned counsel for the petitioner submits that the Oil Company has been requested to approach the 4th respondent but it is not doing so and thus, a direction be issued to it to do the needful as the petitioner's rights are being adversely affected for no fault of his.

Learned counsel for the Oil Company submits that the land is in fact unsuitable. It is the duty of an applicant to provide suitable land and he has failed to do so. The Oil Company cannot be asked to approach the 4th respondent.

The submission made on behalf of the Oil Company cannot be accepted as in fact, the alternate land offered by the petitioner has been accepted and the petitioner has further been asked to obtain report of suitability from the 4th respondent. The said respondent is not entertaining the application submitted by the petitioner for no fault of his. The petitioner has thus been placed in a 'catch 22' situation. The Oil Company wants him to obtain clearance from the National Highway Authority of India and National Highway Authority of India is refusing to entertain the application submitted by him. The situation can only be resolved by issuing a direction to the Oil Company to submit an application to the fourth respondent for the necessary clarification.

Accordingly, the writ petition is allowed and respondent No.3 is directed to make an application to respondent No.4 seeking clearance for

the land offered by the petitioner within four weeks from today, whereafter, respondent No.4 shall submit its report within two weeks.

Nothing is being said regarding the liabilities of the parties for constructing a service lane.

May 27, 2022
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No