

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11159 of 2023

Govind Kumar Jaiswal @ Govind Kumar Son of Sri Shyam Lal Choudhary,
Resident of House No. 234 2nd Floor, Ashok Enclave Sector 34 Amar Nagar,
Faridabad, Haryana, PIN Code 121003.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Secretariat Building, Patna PIN Code 800001.
2. The Chief Secretary, Government of Bihar, Secretariat Building, Patna PIN Code 800001.
3. The Chief Engineer, Road Construction Department, North Government of Bihar, Patna.
4. The Executive Engineer, Road Construction Department, Road Division, Rosera, Samastipur.
5. The Superintending Engineer, Road Construction Department Road, Anchal Darbhanga.
6. The Assistant Engineer, Road Construction Department, Path Pramandal, Dalsingsarai.
7. The Junior Engineer, Path Pramandal, Rosera, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Upendra Prasad, Adv.
	:	Mrs. Veena Kumari Jaiswal
For the Respondent/s	:	Mr. Uday Prasad, AC to GP-22

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 11-10-2023

Heard the learned counsels for the parties.

The present writ petition has been filed for the
following relief(s):-

*“a) For direction to
respondent nos. 3 to 5 to grant no
objection certificate in favour of the
petitioner for installation of Retail
Sale Petrol Pump at Mauza Sahit
Tajpur Thana No. 90, Khata No. 212,
Khesara No. 4107, 4106 and 4101.
Boundary*



*North Chandrika Singh
South Ambrish Kumar Singh
East Do
West Road*

(b) For direction to respondent nos. 3 to 5 that proposed site for installation of Retail Outlet Petrol Pump is situated in a thickly populated area and IRC Rule 3.5 m and above accordingly the proposed place for installation of Retail Outlet of Fuel and is fit for grant of no objection certificate by the Authority of the Department. Road Construction

(c) For direction to respondent nos. 3 to 5 to grant no objection certificate in favour of the petitioner. The facility of road is suitable for installation of petrol pump as per Rules of I.R.C.

(d) For holding by this Hon'ble Court that objection raised by respondent nos. 3 to 5 is against the I.R.C. Rules.

e) For direction to respondent nos. 3 to 5 that the objection raised for not granting no objection is mala fide because all other concerned authorities of different departments including Fire Brigade have already granted no objection certificate.

(f) For grant of any other relief(s) for which the petitioner is deemed fit and proper.”

3. Learned counsel for the petitioner has stated that even though the petitioner has made an appropriate application before the authorities concerned i.e. Respondent Nos. 3 to 5 for issuance of No Objection Certificate for installation of the Petrol Pump at the proposed plot, the authorities concerned are



not taking any action on the said application. Learned counsel has further stated that the direction may be given to the Respondent Nos. 3 to 5 to dispose off the application made by the petitioner for granting of No Objection Certificate.

4. Having regard to the above made submissions, the present writ petition is disposed off directing the Respondent Nos. 3 to 5 to consider the case of the application of the petitioner for issuance of No Objection Certificate for installation of Petrol Pump at the proposed plot strictly on merits. In case the authorities concerned come to the conclusion that No Objection Certificate cannot be issued, they shall pass a reasoned order showing the reasons for rejection. The copy of the said rejection order shall be communicated to the petitioner. The entire exercise shall be completed as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, the present writ petition stands disposed off.

(A. Abhishek Reddy, J)

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