IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-11676-2020
Date of Decision: 12.07.2023

Indian Oil Corporation Limited **…Petitioner**

Versus

State of Haryana and Others **…Respondents**

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ashish Kapoor, Advocate for the petitioner

Mr. Rahul Dev Singh, Addl. A.G., Haryana

Mr. Raman Sharma, Advocate for respondent No.4

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JAGMOHAN BANSAL, J. (Oral)

1. The petitioner, through instant petition under Articles 226/227 of the Constitution of India, is seeking setting aside of order dated 29.08.2019 (Annexure P-3) and order dated 25.02.2020 (Annexure P-5).

2. This Court on 11.08.2020 passed the following order:-

> *"Case has been taken up for hearing through video conferencing due to the outbreak of Pandemic COVID-19.*
>
> *Through this petition under Articles 226/227 of the Constitution of India, prayer has been made for quashing the orders and letter dated 29.08.2019, 25.02.2020 and 22.06.2020 respectively being illegal and arbitrary.*
>
> *Notice of motion.*

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integrity of this order/judgment.

Mr. Hitesh Pandit, Addl. A.G., Haryana, accepts notice on behalf of respondents. Complete copy of the paper book be supplied to him during the course of day.

The petitioner-Corporation, taking the land on lease in Village Jalalpura, District Jind, for setting up a retail outlet, obtained 'No Objection Certificate' (in short 'NOC) from District Magistrate, Jind. However, a condition was imposed for obtaining NOC from the Forest Department. Consequently, NOC from Forest Department was obtained on 11.03.2019 and was submitted before the District Magistrate Jind. But District Magistrate Jind, vide letter dated 04.10.2019, cancelled the said 'NOC' of the retail outlet, citing the reason of non-availability of Forest NOC, despite the fact that it was already submitted with him. Despite issuance of various reminders to District Magistrate, Jind, to recall his cancellation order when he did not respond, petitioner-Company challenged order dated 04.10.2019 before the Divisional Commissioner, Hisar, who vide order dated 25.02.2020, set aside the said order with condition that petitioner would further obtain 'No Objection Certificate' from Local Urban Body Department within one month. The said order was passed on the pretext that the petrol pump is situated in the extended limit of Municipal Corporation, Jind. Consequently, petitionerCompany applied for 'No Objection Certificate'. The Executive Engineer, Municipal Corporation, Jind, told the petitioner that after obtaining approval from the Head Quarter, he will issue NOC. In the meantime, permission of 'No Objection Certificate' issued by District Magistrate, Jind expired. The petitioner

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applied for extension of period of 'No Objection Certificate' to Commissioner, Hisar, whereupon its period was extended upto 25.06.2020. In the meantime, petitioner-Company sent various reminders to Municipal Corporation, Jind to issue 'No Objection Certificate' but till date, it has not granted any 'No Objection Certificate' for the reasons best known to it. Since, the extended period of 'No Objection Certificate', issued by Deputy Commissioner, Jind had expired on 25.06.2020. Therefore petitioner-Company again applied to Commissioner, Hisar, who has now extended the period of 'No Objection Certificate', for two months i.e. upto 24.08.2020 with a condition that in case NOC from Municipal Corporation, Jind, if not submitted, no further extension shall be granted.

Heard.

The instant case is a glaring example of arbitrariness and high handedness of the State machinery. It is an open secret that there is no inter-se coordination between different departments of the Government and for this reason every citizen has to run from pillar to post for redressal of his grievance. It does not appeal to reason as to why Deputy Commissioner, Jind, rejected application of the petitioner for extension of the period of 'No Objection Certificate', forcing it to approach Commissioner, Hisar, who has also now arbitrarily ordered that no extension would be given after 24.08.2020. The action of District Magistrate in not granting extension to the petitioner is completely arbitrary illegal, whimsical and unreasonable. It may be for some extraneous reasons or consideration. Even, if it is asked from

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Commissioner, Hisar as to why he has imposed such a ruthless, illegal and unreasonable condition of not extending the period of 'No Objection Certificate' beyond 24.08.2020, despite bringing to his notice that Municipal Corporation Jind is unnecessarily sitting over the matter for issuance of 'No Objection Certificate', since, last 4/5 months, he has no answer to say. Obtaining 'No Objection Certificate' from Municipal Corporation, Jind is not in the control of petitioner, except moving an application for issuance of the same. There is no fault of petitioner, in case, Municipal Corporation, Jind is not budging to the genuine request of the petitioner, despite elapsing of four/five months.

It is not understandable as to where the Nation is being driven by bureaucracy. Due to its inaction, corruption or misaction, there is chaos everywhere. Every citizen is perturbed and disturbed due to arbitrary and whimsical attitude of the bureaucrats, besides huge corruption. There is a hue and cry everywhere. None is willing to hear the genuine grievance of the citizens.

Considering the overall facts and circumstances, the NOC, issued by District Magistrate, Jind, to the petitioner shall remain in force till Municipal Corporation, Jind grants NOC to the petitioner. Simultaneously, Municipal Corporation, Jind, is also directed to decide the case of petitioner within one month from today, failing which appropriate action shall be taken against it including imposition of costs, fine, departmental inquiry etc. against the erring officials.

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Deputy Commissioner, Jind is directed to submit his reply, citing reasons as to why he showed his reluctancy for not extending the period of NOC, issued by him, knowing well that NOC from Forest Department as per his direction, has already been submitted before him. In case, his explanation is not found satisfactory, suitable action shall also be taken against him.

Adjourned to 17.09.2020, for consideration."

3. Learned State counsel, at the outset, submits that competent authority has granted CLU to the petitioner, thus, grievance of the petitioner stands redressed. He further submits that petitioner has to comply with certain conditions as imposed vide order dated 04.07.2023 passed by Director, Urban Local Bodies Haryana, Panchkula.

4. On being confronted with aforesaid facts, learned counsel for the petitioner fairly concedes that present petition has rendered infructuous. He further undertakes to comply with the directions of order dated 04.07.2023 passed by Director, Urban Local Bodies Haryana, Panchkula.

Disposed of as infructuous.

(JAGMOHAN BANSAL)
JUDGE

12.07.2023
Mohit Kumar

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*

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