

205

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

CWP-13799-2020

Date of Decision: 15.02.2023

M/s Jain High Way Resorts and others

..... Petitioners

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: None for the petitioners.

Mr. S.K. Sharma, Advocate
for respondent Nos.1, 2 & 5.

Mr. Abhilaksh Gaiind, Advocate
for respondent No.3.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. R.S. Madaan, Advocate,
for respondent Nos.8 to 10.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing of the provisional NOC issued by respondent No.3 i.e. National Highways Authority of India in favour of respondent Nos.8 & 9.

None has caused appearance on behalf of the petitioners.

At the outset, Mr. Abhilaksh Gaiind, learned counsel for respondent No.3 has submitted while referring to the reply filed by the National Highway Authority of India that the impugned NOC was issued on 03.01.2020 and it was only a provisional NOC, subject to the condition that

the allottee was required to start and complete the construction within a period of one year. He further referred to Para Nos.3 & 4 of the aforesaid reply to submit that since the allottees i.e. respondent Nos.8 to 10 could not complete construction within the aforesaid period of one year, and therefore, the NOC has already lapsed, and therefore, nothing survives in the present petition because the main challenge in the present petition was for challenging the NOC given by the National Highway Authority of India which has now already lapsed.

Mr. R.S. Madaan, learned counsel for the respondent Nos.8 to 10 has submitted that they had started the construction and even if the earlier NOC has lapsed, they have now filed another application to the National Highway Authority of India for the purpose of grant of fresh NOC in accordance with law.

In view of the aforesaid position where the statement made by respondent No.3 on the basis of reply filed by the National Highway Authority of India that the NOC which is under challenge has now lapsed, nothing survives in the present petition.

Consequently, the present petition is dismissed.

The learned counsel for the petitioners is not present. In case, anything still survives in the present petition, then he shall be at liberty to file an appropriate application.

15.02.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |