

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

209

CWP-20854-2021

Date of Decision : 19.09.2023

Parveen Sadhra

..... Petitioner

Versus

Union Ministry of Road Transport and Highways and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Parvinder Singh, Advocate
for the petitioner.

Mr. Ankur Sharma, Sr.Panel Counsel
for respondent No.1-UOI.

Mr. Deepanjay Sharma, DAG, Punjab.

Mr. Varun Sharma, Advocate for
Mr. Raman Sharma, Advocate
for respondent No.4.

Mr. Abhishek Sahu, Advocate for
Mr. Vikram Anand, Advocate
for respondents No.8 and 9.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of provisional 'No Objection Certificate' No.71 dated 12.04.2021 issued by Executive Engineer, Provincial Division, PWD (B&R) Branch, SBS Nagar (Annexure P-7).

2. Learned counsel for the petitioner submits that impugned certificate has been issued by respondent in gross violation of guidelines dated 24.07.2013 (Annexure P-12), 24.01.2019 (Annexure P-11) and 26.06.2020 (Annexure P-13).
3. Learned State counsel submits that during the pendency of petition, in terms of Petroleum Rules, 2002, provisional NOC dated 12.04.2021 was issued to respondent No.4-HPCL. The said certificate was revoked vide order dated 25.01.2022. The Principal Secretary constituted a committee of two engineers and on the basis of report of committee of engineers, fresh NOC dated 25.08.2022 was issued. Copy of NOC dated 25.08.2022 produced by learned State counsel is taken on record. The petrol pump is operating since December' 2022. The competent authority i.e. District Magistrate has issued NOC after considering all aspects including instructions with respect to location of petrol pump. The petitioner has not challenged NOC dated 25.08.2022, thus, the present petition is not maintainable.
4. Learned counsel for the petitioner expressed his inability to controvert aforesaid facts.
5. In the wake of afore-stated facts, the petition stands disposed of with liberty to petitioner to avail remedy as permissible by law against the NOC issued by District Magistrate.

19.09.2023
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(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>