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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8417-2017

Date of Decision:22.08.2023

ANU ALADIA

..... Petitioner

Versus

UNION OF INDIA AND ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

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

Mr. Ankur Sharma, Senior Panel Counsel
for respondent No.1.

Mr. Ashish Kapoor, Advocate
for respondent No.2.

Mr. Raman Sharma, Addl. AG, Haryana
for respondent No.3.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226/227 of the Constitution is seeking direction to Indian Oil Corporation to consider land offered by petitioner for the purpose of allotment of retail outlet. The petitioner is further seeking direction to respondent No.3 to implement instructions dated 06.09.2016 (Annexure P-6) of Government of India, Ministry of Petroleum and Natural Gas.

2. The petitioner pursuant to advertisement for retail outlet dealership applied and was selected in draw of lots. The petitioner prior to issuance of LOI was asked to offer piece of land which petitioner failed, thus, respondent- Corporation cancelled candidature of petitioner.

3. Learned counsel for the petitioner *inter alia* contends that petitioner belongs to SC category and Government of India has recognized the fact that candidates belonging to SC/ST categories are unable to offer land for allotment of petrol pumps. Government of India, Ministry of Petroleum & Natural Gas vide communication dated 06.09.2016 (Annexure P-6) has requested to Government of Haryana to direct Urban Authorities/District Collectors to allot/assist OMCs to procure suitable land at concessional rates at various locations for candidates belonging to SC/ST categories. The Director Food & Civil Supplies, Haryana vide communication dated 27.09.2016 has requested to Urban Development Authority to allot appropriate place for setting up of petrol pump to the candidates belonging to SC/ST categories. Despite aforesaid communications, authorities of the State Government dealing with allotment of land have not acted upon. The petitioner is unable to offer own piece of land, however, she is trying to arrange alternative piece of land and would make an appropriate offer within 2 months.

4. Learned counsel of respondent No.2 submits that petitioner despite repeated opportunities has failed to offer suitable piece of land, nevertheless, if petitioner offers suitable piece of land in a time bound manner, the Corporation would sympathetically consider case of petitioner.

5. Learned State counsel concedes that despite communication made by Director Food and Supplies to HUDA no step in the form of policy has been taken by HUDA.

6. It is undisputed fact that Central Government with intent to uplift members of SC/ST category has issued direction to State

Government to provide land for setting up of petrol pump. The State Government has also issued direction to HUDA, however, no action has been taken by HUDA. It appears that communication has been made by one Government to another and one authority to another authority, however, all the communications are on paper. No fruitful action has been taken by the competent authority.

7. The respondent No.3 is hereby directed to look into its communication dated 27.09.2016 and get Central Government’s instructions implemented from its agencies which are dealing with allotment of land.
8. In the mean time, the petitioner is at liberty to offer alternative suitable land. If an alternative land is offered within 3 months from today, the respondent-Corporation would sympathetically look into the offer and do the needful.
9. The petition stands disposed of in above terms.

(JAGMOHAN BANSAL)

JUDGE

22.08.2023

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