

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

104

CWP-22791-2023 (O&M)

Date of Decision : 07.12.2023

Kiran Bala

..... Petitioner

Versus

NHAI and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Sanjiv Kumar Aggarwal, Advocate and
Mr. Ojas Bansal, Advocate
for the petitioner.

Mr. Dharamvir Singh, Advocate for
Mr. Vikas Chatrath, Advocate
for respondents No.1 and 2-NHAI.

Mr. Raman Sharma, Addl.A.G., Haryana.

Mr. Ashish Kapoor, Advocate
for respondents No.4 and 5.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking setting aside of communication dated 06.09.2023 (Annexure P-10) whereby PWD B&R Branch has asked IOCL to de-energize his petrol station.

2. Learned counsel for NHAI submits that road in question is national highway, however, its management has been handed over to State Government so it is State Government which has to decide fate of the petrol pump in question.

3. Learned counsel for the respondent-IOCL submits that they vide communication dated 25.09.2023 and 26.09.2023, they have requested

the Executive Engineer, National Highway Division, PWD B&R Branch, Bhiwani to grant NOC with respect to petrol pump in question.

4. Learned State counsel submits that there is no adequate ROW is not available, thus, it is not possible either for the petitioner or IOCL or State Government to construct acceleration and de-acceleration lane, nevertheless, the representation of the IOCL would be considered and an appropriate order shall be passed within 06 months from today.

5. In the wake of statement of learned State counsel, the petition stands disposed of. The competent authority while deciding representation would consider para 2.9 of instructions dated 26.09.2020 issued by MoRTH.

6. Till the passing of order by competent authority, no coercive step shall be taken against the petitioner.

07.12.2023
anju

(JAGMOHAN BANSAL)
JUDGE

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