

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9932 of 2022

Prithviraj Singh S/o Sri Jitendra Kumar Singh, Resident of Village-
Pahlagarh, P.S. - Kadwa, District - Katihar.

... .. Petitioner/s

Versus

1. The Union of India through the Chairman, National Highway Authority of India, G-5 and 6, Sector -10, Dwarika, New Delhi - 10075.
2. The Director, Indian, Biofuels Corporation Ltd. 31, Ashiyana Galaxy, Exhibition Road, Patna - 800001.
3. The State of Bihar through Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
4. The Chief Engineer, Simanchal Upbhadg Road Construction Department, Bihar, Patna.
5. The Superintendent Engineer, Road Construction Department Path Anchal, Purnia.
6. The Executive Engineer, Path Pramandal Road Construction Department, Katihar. .

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bhanu Prasad Singh, Adv.
For the State	:	Mr. Manoj Kr. Ambastha (Sc26)
	:	Mr. Subodh Kr, AC to SC-26
For the UOI	:	Mr. Sarita Bajaj, Adv.
For the NHAI	:	Mr. Soni Shrivastava, Adv.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

6 25-06-2024 The photocopy of the counter affidavit on behalf of

the Respondent Nos. 3 to 6 has been handed over in front of the

Bench and the same is taken on record.

2. Heard the learned counsel for the parties.

3. This writ petition has been filed for the following
relief(s):-

*“That this is an application for
issuance of an appropriate writ order or*



direction to the respondent no. 4 for issuing no objection certificate to the petitioner for setting up Retail out let of Biofuels Station at Plot No. 786 under Khata No. 272 area 40 decimals situated at Village-Pahlagarh, P.S.-Kadwa, District-Katihar under Indian Biofuels Corporation Ltd. As the respondent no. 4 has illegally refused to grant no objection certificate as contained in Annexure-7 without looking into the check list issued by the Indian Biofuels Corporation for approval of installation of said station wherein the petitioner was complying with the norms of Ministry of Road Transport and Highway (MORTH).”

4. Learned counsel for the petitioner has stated that the authority has issued the impugned order rejecting the application for N.O.C. without physically verifying the spot, on the basis of the Nazri Naksha. Learned counsel has stated that even as per the check list issued by the respondent authority that in so far as Clause 1.1.1. (ii), the authority has stated that the same is not applicable by writing N/A and in the remarks column he has stated ‘Yes’. However without adverting to the same, the application for N.O.C. has been rejected in a mechanical manner.

5. Learned counsel appearing on behalf of the respondents when pointed out the above lacunae, has stated that



the matter may be remanded back and authority may be directed to physically verify and measure the subject site and pass a fresh order on the application made by the petitioner for issuance of the N.O.C.

6. Having regard to the above, the present writ petition is disposed by setting aside the order of rejection dated 30.05.2022 (Annexure-7) and remanding the matter back to the respondent No. 4 to physically verify the subject site in the presence of the petitioner and pass fresh orders strictly in accordance with law. The authority shall physically measure the site in the presence of the petitioner duly putting him on notice. The entire exercise shall be completed as expeditiously as possible preferably within a period of four weeks from the date of receipt of the copy of this order.

7. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

Gauravkr/-

U			
---	--	--	--

