

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-69-2021 (O&M)
Date of Decision:13.05.2024

PARVEEN SINGH..... Petitioner

Versus

UNION OF INDIA AND ORS..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Raj Kaushik, Advocate and
Mr. Harsh Vardhan, Advocate
for the petitioner.

Mr. Ravinder Pal Singh, Senior Panel Counsel
for respondent No.1-UOI.

Mr. Ashish Kapoor, Advocate for respondent No.3.

Mr. Amit Jhanji, Senior Advocate with
Ms. Zaheen Kaur, Advocate and
Mr. Saurabh Arora, Advocate for respondent No.4.

JAGMOHAN BANSAL, J. (Oral)

1. On 19.03.2024, the following order was passed:
- “There was no representation on behalf of the petitioner on 20.04.2022 and 20.02.2023. Even today, there is no representation on behalf of the petitioner.*
- The grievance of the petitioner is that respondent has wrongly rejected his candidature. The petrol pump has been allotted to respondent No.4 and site offered by him falls within 50 meters from a primary school. Respondent No.4 had not even participated in draw of lots.*
- As per reply, the respondent-IOCL has sought opinion from concerned department and as per said opinion, petrol pump is located beyond 50 meters from primary school and there was no need of presence of an applicant at the time of draw of lots. The petrol pump in question commenced on 31.05.2021.*
- In the interest of justice, adjourned to 13.05.2024.*
- It is made clear that no further adjournment shall be granted*

and non-appearance of the petitioner would entail dismissal in default.”

2. Mr. Raj Kaushik, Advocate submits that report of competent authority, if called for, would prove that distance between school and petrol pump is less than 50 meters.

3. Mr. Amit Jhanji, Senior Advocate drew attention of this Court to communication dated 04.03.2021 (Annexure R4/15) of Executive Engineer, Construction Division No.1, Public Works Department (Building & Road Branch), Hoshiarpur. The relevant extracts of said communication are reproduced as below:

“With reference to subject cited above & the complaint filed vide above referred letter, this is to inform you that the distance of the proposed site of Petrol Pump is about 82 meters from the Govt. School, Nanal Fareed, which is situated on link road, leading towards village Nangal Fareed. Hence according to IRC Guidelines, there is no violation of rules regarding distance of said school.”

4. In view of categoric report of competent authority i.e. Executive Engineer, PWD, there is no reason to believe that distance between school and petrol pump is less than 50 meters.

5. Dismissed.

6. Pending misc. application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

13.05.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No