

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:101071-DB



(109)

LPA-595-2024 (O&M)
Decided on : 07.08.2024

Satish Arya

.....Appellant (s)

Versus

Union of India and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Raj Kumar Bhatia, Advocate for the appellant.
Mr. Vibhor Bansal, Advocate for respondent Nos.1 to 3-UOI.
Mr. Raman Sharma, Advocate for respondent No.4-HPCL.

G.S. Sandhawalia, J.(Oral)

CM-1472-LPA-2024

Application for condonation of delay of 186 days in filing the appeal, is allowed, in view of the averments made in the application, duly supported by affidavit of the appellant. Delay of 186 days in filing the appeal is condoned.

CM stands disposed of.

LPA-595-2024

Consideration in the present letters patent appeal is sought of the order dated 27.07.2023 passed by the learned Single Judge in CWP-25814-2018 filed by the appellant, whereby the writ petition was dismissed on the ground that it would not be within the judicial purview to frame policy for allotment of petrol pump/gas agency to next of kin of the freedom fighters.

2. The learned Single Judge noticed that Central Government has abolished discretionary quota in the year 2006 and, therefore, the respondent No.4 Corporation was unable to allow petrol pump/gas agency to the petitioner on the ground of being grandson/son of freedom fighters. Liberty was given to the petitioner to apply as and when Government or Corporation invites applications for allotment of petrol pump/gas agency on the basis of such quota. The respondent had relied upon letter dated 11.05.2017 (Annexure P-11) whereby information has been supplied to the petitioner that the Discretionary Quota Scheme after 2006 has been done away with.

3. The prayer of the appellant before the learned Single Judge was for issuing directions in the nature of mandamus to the official respondents to allot the petrol pump/gas agency or to pay compensation for grossly failing to do their public duty. It is the settled principle that a writ of mandamus can only be issued where there is a statutory right or where public duty to be carried out and the same can be enforced. Resultantly, we are of the considered opinion that in the absence of any such provision, the learned Single Judge was well justified in not exercising the discretionary power under Articles 226/227 of the Constitution of India.

4. In such circumstances, we do not find any plausible reason to entertain the present letters patent appeal and same is hereby dismissed in *limine*.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

07.08.2024
Naveen

Whether speaking/reasoned : Yes
Whether Reportable : No