

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9367-2024
Date of Decision: 25.04.2024

NARESH KUMAR ...Petitioner
Versus
STATE OF PUNJAB AND ORS ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Rajeev Dev Sharma, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking setting aside of ‘No Objection Letter’ dated 05.09.2022 (Annexure P-8) and 22.01.2024 (Annexure P-9) issued by jurisdictional authorities for setting up of new Retail Outlet.
2. The petitioner is assailing communication dated 05.09.2022 (Annexure P-8) whereby Municipal Corporation, Pathankot, has issued ‘No Objection’ for setting up of new petrol pump at Village Rara, District Pathankot. The petitioner is further assailing communication dated 22.01.2024 (Annexure P-9) issued by Executive Engineer PWD Department, B&R, Pathankot whereby the said Department has also issued ‘No Objection’ with respect to setting up of aforesaid petrol pump. The communications are meant for further action by Deputy Commissioner. The aforesaid letters are not absolute and are part and parcel of process of

issuance of ‘No Objection Certificate’ under Rule 144 of Petroleum Rules, 2002 by jurisdictional Deputy Commissioner. It is the Deputy Commissioner who has to finally decide fate of application filed by Oil Company seeking permission to set up new petrol pump. The Deputy Commissioner till date has not issued NOC. The petitioner has every right to raise his objections before Deputy Commissioner who certainly would consider his objections. Thus, the petition is premature.

4. This Court is sanguine of the fact that Deputy Commissioner would look into representation of the petitioner before issuing ‘No Objection Certificate’ to the respondents.

25.04.2024

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(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No