

2024:PHHC:103170-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(105)

LPA-1877-2024 (O&M)

Decided on : 09.08.2024

Balbir Singh & another

.....Appellant(s)

Versus

State of Punjab & others

.....Respondent(s)

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

Present: Mr.Shubham Bhardwaj, Advocate
Mr.Varda, Advocate for the appellant (s).
Ms.Arundhati Kulshreshtha, AAG, Punjab.

G.S. Sandhawalia, J.(Oral)

CM-4443 & 4444-LPA-2024

1. Exemption applications are allowed, as prayed for.
2. CMs stand disposed of.
LPA-1877-2024
3. Consideration in the present appeal is to the judgment dated 25.07.2024 passed in CWP-17257-2024 by the Learned Single Judge wherein challenge had been raised to the construction of petrol pump which is proposed to be set up by respondent No.5 in whose favour, letter of intent has been issued in the Reserved Category (SC/ST) for setting up a petrol pump at Village Bangan, Tehsil Moonak, District Sangrur.
4. The sole contention which has been raised is that there is an objection by the Sub-Divisional Engineer that the petrol pump is situated at the intersection of the Mandi Board link road which is situated in front of the site of petrol pump which was highlighted in the letter dated 09.04.2024 (Annexure P-2). It is in such circumstances, the petitioner had approached the Learned Single Judge when his petition was dismissed in limine.
5. It is to be noticed that nowhere the petitioner has approached the competent authority for the redressal of his grievances. The superior officer, Executive Engineer, Provincial Division, B&M Branch, Sangrur has issued the NOC putting various conditions and forwarded to the District Magistrate and also included the objections which the SDE had raised on 09.04.2024

(Annexure P-2).

6. We have also perused the letter written by the District Town Planner dated 10.04.2024 (wrongly mentioned as 10.05.2015) (Annexure P-6) wherein also there is a reference to the site on the Patran-Moonak road towards Moonak at a distance of about 860 meters from the link road to village Bangan on the left hand side. Apparently, the final NOC has not been issued by the District Magistrate. Though we have perused the site-plan but the same does not show the location as such and whether the contention raised by the petitioners regarding the location of the petrol pump is correct as per the site-plan (Annexure P-7). The Letter Of Intent goes on to show that 35 meters (frontage) x 35 meters (depth) and area 1225 sq.meters has been offered by the respondents falling in Khasra No.31//23, 56//2/2, 56//3, Khewat No.90/73, Khatauni No.130 at Village Bangan, Tehsil Moonak, District Sangrur.

7. From the site-plan, prima facie, it is not apparent that the petrol pump would be in front of the link road which is the contention. However, since the objection has already been placed before the Deputy Commissioner by the Executive Engineer, we are sanguine that the District Magistrate will take all these aspects into consideration while taking the final call on the application. It is in such circumstances, we do not wish to interfere in the order passed by the Learned Single Judge, at this stage, since final NOC has not been issued by the competent authority for setting up of the petrol pump.

8. Resultantly, the present appeal is disposed of with liberty to the appellants to make appropriate representation before the concerned authority for redressal of their grievances, if any. If any substance is found in the grievance, the District Magistrate will hear the private-respondents before passing any order.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

09.08.2024
Sailesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No