

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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2024:PHHC:168993-DB



CWP No. 25178 of 2024
Date of Decision: 17.12.2024

Subhash Aggarwal and others

.....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

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

Present: Mr. Manpreet Singh Sidhu, Advocate,
and Ms. Komal Balain, Advocate,
for Mr. Vikas Malik, Advocate,
for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

1. Prayer in the present writ petition filed under Articles 226 and 227 of the Constitution of India is for issuance of a writ in the nature of mandamus directing respondent Nos.1 and 2 to amend the Motor Vehicles Act, 1988 for inclusion of condition to restrict national permit vehicles registered in States except from the State of Punjab, from setting up pick up or unloading goods between two points within the state of Punjab.

2. Resultantly, direction is also sought directing respondent No.3 i.e. Bharat Petroleum Corporation Ltd. to stay the operation of the e-Tender ID 16053 issued on 05.04.2024 (Annexure P-5) which had been issued for transportation of bulk POL products by TOP from BPCL, Bathinda Depot, Punjab to various locations within States and outside the State. Counsel has also sought directions for decision of the representation dated 15.07.2024

3. We are of the considered opinion that in the absence of any legal or statutory right as such, no such directions can be issued by the writ Court keeping in view the principles which govern the issuance of a writ in the nature of mandamus, which can only be done if there is a legal right as such or any statutory right which the authorities have to perform. Resultantly, we do not find it fit a case to call upon the respondents to file reply in view of the relief claimed.

4. Accordingly, the present writ petition is dismissed.

(G.S. SANDHAWALIA)
JUDGE

17.12.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No