| Serial No. 75 |
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| Regular/Supp Cause List. |

# HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

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**WP(C) 459/2024**
**CM(1198/2024)**
**CM(1207/2025)**

**MOHAMMAD YOUNIS MUGHAL**

**…Petitioner (s)**

Through: Mr. Mudasir, Adv.

**VERSUS**

**UNION OF INDIA AND OTHERS (PETROLEUM AND NATURAL GAS)**

Through: Mr. M. M. Dar, Adv.
Mr. Gulzar Sopori, Adv.

**…Respondent(s)**

**CORAM:**

**HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE.**

## ORDER

**11-11-2026**

01. In the instant petition, the petitioner seeks a direction to the official respondents to adhere to the Government guidelines and refrain from making any allotment in favour of private respondent No. 6 for establishment of a Petrol Retail Outlet at Uran bua–Chandanwari, Boniyar, Uri, District Baramulla, without first considering the objections raised by the petitioner.

02. The case set up by the petitioner is that private respondent No. 6 had applied for allotment of a Petrol Retail Outlet pursuant to Advertisement Notice dated 28.06.2023, under the Open Category, in District Baramulla, within 3 Kms from Chandanwari Sumo Stand towards Boniyar. It is submitted that a team of Hindustan Petroleum Corporation Limited (HPCL) visited Village Uran bua–Chandanwari,

Baramulla, and conducted an enquiry with regard to a piece of land falling under Khasra No. 407, upon which the petitioner has constructed his residential house.

03. It is further submitted that the petitioner and private respondent No. 6 are sons of Mohd. Yousuf, resident of Uran bua–Chandanwari, Baramulla, and are step-brothers. The petitioner alleges that private respondent No. 6 has been selected for allotment of a retail outlet of HPCL on a piece of land adjoining the petitioner's residential house. The petitioner is stated to have approached the official respondents seeking intervention to prevent establishment of the proposed retail outlet, contending that the proposed site is in violation of the Government guidelines, inasmuch as it is situated in close proximity to his residential house and beneath High Tension Lines of 11 KV and 33 KV passing over the said land. It is contended that, in terms of the applicable guidelines, a retail outlet is required to maintain a minimum distance of 50 mts from residential houses, schools, etc., and 100 mts from rivers/streams, whereas the proposed site does not conform to the prescribed norms.

04. Reply stands filed on behalf of respondents 2 and 3, wherein it is contended that the instant petition is premature, as the selection of private respondent No. 6 has not attained finality and he has merely been declared successful in the draw of lots. It is submitted that the Corporation is yet to undertake the process of land evaluation and field verification of the offered site and that, in the event the land is found to be

in violation of the prescribed norms, the candidature of the applicant is liable to be rejected.

05. It is further contended that respondents 2 and 3 have already received the representation submitted by the petitioner; however, the same could not be considered, as the authority competent to decide the said representation is the Deputy Commissioner concerned.

06. Mr. M. M. Dar, learned counsel appearing for the respondents, has stated at Bar that respondents 2 and 3 are under an obligation to strictly adhere to the applicable Government guidelines while considering the matter relating to allotment of the retail outlet.

07. Heard learned counsel for the parties and perused the material available on record.

08. Learned counsel appearing for private respondent No. 6 submits that the No Objection Certificate (NOC) has already been issued in favour of respondent No. 6 and, therefore, the petitioner, if aggrieved, may avail the appropriate remedy by approaching respondent No. 4-Deputy Commissioner concerned.

09. In view of the submissions made and the stand taken by the parties, the instant petition is disposed of with a direction to respondents 1 to 5 to ensure strict adherence to the applicable Government guidelines and prescribed norms while considering the matter relating to establishment and or allotment of the Petrol Retail Outlet in favour of private respondent No. 6.

10. Respondent No. 4- Deputy Commissioner concerned, is directed to afford an adequate opportunity of being heard to both the petitioner as well as private respondent No. 6 and thereafter consider and decide the representation/objections, if any submitted by the petitioner, strictly in accordance with the applicable rules and guidelines, by passing a reasoned order within a period of three weeks from the date of receipt of a copy of this order.

11. The petition stands ***disposed of*** accordingly.

**(Moksha Khajuria Kazmi)**
**Judge**

**SRINAGAR**
**11-11-2026**
***Sakeena***

