



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-PIL-49-2025(O&M)

Reserved on : 13.03.2026

Pronounced on : 07.04.2026

Uploaded on : 07.04.2026

*Whether only operative part of the judgment is
pronounced or the full Judgment is pronounced:*

Full Judgment

AVNINASH CHANDER

... PETITIONER

Versus

UNION OF INDIA AND OTHERS

... RESPONDENTS

**CORAM:- HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

Present:- Mr. Sartej Singh Narula, Senior Advocate
(arguing counsel) with
Mr. Sidharth Grover, Advocate for the petitioner.

Ms. Promila Nain, Senior Advocate (arguing counsel) with
Ms. Gurneet Sagoo, Advocate for respondent No.1 and 9-UOI

Mr. Raman Sharma, Advocate (arguing counsel)
Mr. Arnav Sharma, Advocates
Mr. Rohit Sharma, Advocate for respondent No.2 and 3.

Mr. C.M. Munjal, Advocate for respondent No.8.

Mr. Salil Sabhlok, Sr. DAG, Punjab.

SANJIV BERRY, J.

1. The petitioner claiming himself to be a public spirited individual, has preferred the instant writ petition under Article 226/227 of the Constitution of India, claiming it to be a Public Interest Litigation, seeking issuance of writ in the nature of certerorari for quashing of the impugned order dated 22.01.2025 (Annexure P-16) and further quashing the impugned letter dated 12.07.2023

(Annexure P-5) issued by respondent No.7 granting NOC for establishing retail outlet in the land bearing Khasra No. 69//18/1, Khewat/ Khatauni No.1172/1464, Village Abohar, Fazilka Road, District Fazilka, Punjab, besides seeking a writ of Mandamus directing respondents not to allot the retail outlet to respondent No.8.

2. In nutshell, the averments made in the petition are that in pursuance to the advertisement dated 23.11.2021(Annexure P-1) issued by the respondent No.2 requiring land for retail outlet (petrol and diesel pump) in various locations of Punjab including Abohar City, Fazilka falling in the territory of Bathinda. Respondent No.8 i.e Arun Kumar s/o Ved Parkash had applied for leasing out his land which was accepted by respondent No.2.

2.1 Respondent No.3 had vide letter dated 09.06.2023 (Annexure P-2) enclosing Jamabandi for the year 2015-2016 and 2020-2021 (Annexure P-3 and P-4 respectively), sought a No Objection Certificate (NOC) from respondent No.7. The petitioner moved a representation dated 25.06.2024 (Annexure P-6) to respondent No.1 for cancellation of the advertisement being in violation of the Provisions of law and claiming the land of respondent No.8 having been selected despite the same being situated outside the purview of the advertised area. Petitioner also moved representation to respondent No.7 besides moving other representations to the official respondents. The claim of petitioner was rejected by respondent No.3 vide reply dated 22.01.2025 (Annexure P-16). Hence the writ petition.

3. We have heard learned counsel for the parties and perused the record.

4. The learned counsel representing the petitioner has *inter alia* contended that the petitioner has preferred the instant Public Interest Litigation being a social worker of the area highlighting the fact that respondent No.8 had

offered the land for setting-up of the retail outlet in pursuance to the Advertisement (Annexure P-1) and the bid was accepted by respondent No.2 in utter disregard to the provisions of law ignoring the fact that the land offered by the respondent No.8 did not comply with the requirements of the advertisement. He contends that the petitioner had highlighted his grievance through various representations to official respondents but of no avail and even despite a brick-kiln being situated in the nearby vicinity of the land in question which may cause serious deterrent to setting-up of a petrol/diesel outlet by the respondent No.2 in the land of respondent No.8 due to storage of inflammable material, hence prayed for issuance of writ as prayed for.

5. Learned counsels representing respondent No.1 and 9 and also counsel representing respondent No.2 and 3 have strongly assailed these arguments and submitted that the instant writ petition involves no public interest at all and on the point of maintainability itself, the same requires to be rejected. They submit that the respondent No.8 being the highest bidder, the land offered by him was accepted for setting up of the retail Company Owned Company Operated (COCO) outlet for petrol/diesel pump. The land offered by respondent No.8 for the purpose was well within the parameters of the advertisement. The retail outlet is being setup after taking the final approval/No Objection Certificate from the District Magistrate respondent No.7 which was based on the No Objections given by as many as 13 departments for the purpose in accordance with law and the said final NOC has not been challenged by the petitioner anywhere.

5.1 They contend that even the claim of the petitioner regarding existence of the brick kiln near the said land in question has been found to be wrong and in this regard they have referred to affidavit dated 25.03.2025 filed on

behalf of respondent No.9. They have submitted that no public cause is involved in any manner in the present petition nor is there any violation of any Rules by the official respondents as such the petition deserves to be dismissed.

6. After considering the rival contentions and perusing the record, the dispute allegedly raised herein primarily pertains to setting up a retail outlet by respondent No.2 for Company Operated Company Owned (COCO) outlet. It is not disputed that in pursuance to advertisement (Annexure P-1) bids were called and respondent No.8 being the successful bidder his land was selected to be taken on lease for setting-up of retail outlet. Respondent No.2 had taken the final approval/No Objection Certificate from the District Magistrate respondent No.7 which was based on the No Objection given by as many as 13 departments for the purpose in accordance with law. The ground taken by the petitioner regarding a brick kiln being situated within the immediate vicinity has been negated by the inspection carried out by respondent No.9 and a specific affidavit dated 25.03.2025 has been placed by Deputy Controller of Explosives Chandigarh. Once, 'No Objection Certificate' has been granted by the concerned departments i.e. Explosives, Forest etc, and the representations moved by the petitioner having been dealt with by the concerned authorities, we are unable to find any public cause being involved in the instant petition moved by the petitioner and to continue with the same any longer.

7. From the above facts and circumstances, coupled with the fact, it transpires that in the instant petition, the alleged cause raised by the petitioner does not involve any Environmental or any human right issue nor does it reveal existence of any issue pertaining to heritage, forest and wild life or any other matter involving public importance or public welfare. Further, the instant petition is not aimed at redressal of any genuine public harm but directed by the

petitioner against the respondent No.8 indirectly being the successful bidder in pursuance to the advertisement (Annexure P-1) for setting up of a retail outlet.

8. From the above, we observed that the element of public welfare is hopelessly missing in the instant petition, therefore, the instant petition being devoid of any public cause cannot be proceeded further and hereby dismissed as such.

9. Pending application(s) if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

Dated: 07.04.2026

Gyan

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No