

130 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-6669-2026
Date of decision: 06.03.2026

CHITWANT SINGH MANN

....Petitioner

Versus

UNION OF INDIA AND ORS

....Respondents

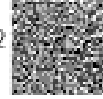
CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Shiv K. Sharma, Advocate and
Mr. Kartik Gandhi, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (Oral):

The jurisdiction of this Court has been invoked under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the impugned communication/order dated 11.11.2024 (Annexure P-6) issued by the Station Headquarters (Defence Authorities), Sangrur, whereby No Objection Certificate (NOC) has been declined for establishment of the petitioner's BPCL Retail Outlet (Petrol Pump) at Village Harkishanpura, Tehsil Bhawanigarh), District Sangrur, Punjab along with all consequential and subsequent communications arising therefrom, with a further prayer for issuance of a writ of Mandamus directing the respondents particularly the Ministry of Defence Authorities and Station Head Quarters concerned to reconsider the petitioner's case for grant of NOC afresh in a time bound manner.

2. Learned counsel for the petitioner submits that as per the petitioner's physical on site measurement, the actual distance of the

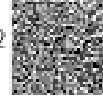


proposed site from the relevant military reference point/boundary is approximately 154 meters whereas the said distance of 141 meters has unilaterally been recorded by the respondents and No Objection Certificate has wrongly been declined merely on surmises. Learned counsel for the petitioner further submits that there is an other petrol pump functioning, in a similar defence influence zone a few kilometers away, the distance of which is much lesser as compared to the site of the petitioner. Attention of this Court has been drawn to the detail given in para 16 of the petition, in which it has been vehemently pleaded that in aforesaid another retail outlet, the defence sensitivity is in fact more serious, as the facility close to it is not merely a firing range but relates to an ammunition/explosive dump, yet the retail outlet has been allowed. Lastly, it is argued that the impugned communication/order dated 11.11.2024 (Annexure P-6) has been issued without joint inspection, technical evaluation or any opportunity to the petitioner of being heard.

3. Notice of motion.

4. Mr. Arvind Seth, Advocate, having served with an advance copy of the petition, has put in appearance on behalf of respondents-UOI and submits that instant petition has been filed after a delay of 01 year and 4 months from the date of passing of impugned order dated 11.11.2024 (Annexure P-6) to which there is no explanation to the delay. Therefore, the writ petition is bad for delay and latches and in the light of disputed fact involved in this petition, petitioner would be at liberty to approach the Competent Authority where such facts can be adjudicated only by leading evidence after providing opportunity to petitioner.

5. At the very outset, learned counsel for the petitioner submits



that he will be satisfied in case a direction be issued to the competent Authority to decide the representation (Annexures P-12).

6. Without commenting upon the merits of the case, respondent Nos. 2 & 3 are directed to decide the representation (Annexures P-12) and also to consider the pleas raised in para 16 & 17 of the writ petition, after providing opportunity of hearing to the petitioner and by passing a speaking order within a period of eight weeks from today, and a copy of the said speaking order shall be supplied to the petitioner within one week thereafter.

7. The petition in the aforesaid terms stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

06.03.2026
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|---------------------------------|---------|
| 1. Whether speaking/ reasoned : | Yes /No |
| 2. Whether reportable : | Yes /No |