

2026:PHHC:071017



105

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

**CWP-11787-2026 (O&M)
Date of Decision: 06.05.2026**

M/s Haryana Service Station, Yamuna Nagar
Through Its Sole Proprietor and another

..... Petitioners

Versus

M/s Hindustan Petroleum Corporation Limited
Through Its Regional Manager and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Rakesh Gupta, Advocate
for the petitioners.

Mr. Raman Sharma, Advocate
for respondent No.1 – HPCL.

Mr. S.K. Sharma, Senior Panel Counsel
for respondent No.2 – Union of India.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for setting aside the letter dated 17.03.2026 (Annexure P-9), whereby respondent No.1 – Hindustan Petroleum Corporation Limited (HPCL) has directed the petitioners to vacate the site/retail outlet being run by them.

2. On 04.05.2026, the following order was passed by this Court:-

“ *Prayer in the present writ petition filed under Articles*

226/227 of the Constitution of India inter alia is for issuance of a writ in the nature of Certiorari for setting aside the letter dated 17.03.2026 (Annexure P-9), vide which respondent No.1- HPCL has directed the petitioner to vacate the retail outlet.

The aforesaid letter dated 17.03.2026 (Annexure P-9), reads as under:-

“To *March 17, 2026*

*M/s Haryana Service Station
HPCL Petrol Pump
Old Saharanpur Road, Hamidi,
Near Saraswati Sugar Mill, Yamunanagar,
District Yamunanagar-135001*

Kind Attention: Sh. Anil Gupta (Proprietor)

Subject: Retail Outlet Site, M/s Haryana Service Station.

*Reference: 1. HPC Letter Ref. PRR/SS/RET dated 26.06.2024
2. Your Letter Ref: Nil dated 10.02.2026
3. HPC Letter Ref: PRR/SS/RET dated 10.03.2026*

Dear Sir,

You are aware that the Retail Outlet M/s Haryana Service Station is situated on a land owned by Northern Railways and a court case for eviction is currently pending before Hon'ble Estate Officer, Northern Railways, Ambala.

This is to inform you that we are in receipt of approval from Competent Authority regarding surrender of site where the Retail Outlet M/s Haryana Service Station is currently situated.

In view of the above, you are hereby requested to remove all your goods, property and effects belonging to you and vacate the said site on or before 20th April 2026.

You are further requested to confirm that the site has been vacated and remain present at the time of handing over possession of the site to Northern Railways.

Thanking you.”

Learned counsel for the petitioner submits that in case the aforesaid letter dated 17.03.2026 (Annexure P-9) is kept in abeyance for a period of two months, the petitioner would vacate the premises by 30.06.2026.

Mr. Arnav Sharma, Advocate and Mr. S.K. Sharma, Senior Panel Counsel appear on behalf of respondent No.1-

HPCL and respondent No.2-UOI, respectively, in pursuance of the advance copy of paper book having already been supplied to them.

Learned counsel appearing on behalf of respondent No.1-HPCL, seeks an accommodation to get necessary instructions and assist the Court in this matter.

List on 06.05.2026.”

3. Today, learned counsel for respondent No.1 submits that since the site in question is owned by the Northern Railways and the competent authority has already granted approval for surrendering the said site where the retail outlet is presently running; accordingly, respondent No.1 – HPCL is not in a position to grant any concession with regard to the period of two months, as sought by the petitioners, for vacating the premises.

3.1 Learned counsel for respondent No.1 further submits that each passing day would result in monetary liabilities upon respondent No.1 – HPCL, and, in case the petitioners are willing to bear such monetary liability as may accrue upon respondent No.1 – HPCL then appropriate orders may be passed regarding the period within which the petitioners would vacate the site in question.

3.2 Learned counsel for respondent No.1 further submits that in fact, the entire infrastructure at the site belongs to respondent No.1 – HPCL itself and the petitioners are only in possession of movable items in the retail outlet, apart from the fuel stored in the underground tanks at the site. He contends that the petitioners are intentionally not selling the stored fuel so as to retain possession over the site, which, in turn, is causing monetary losses to respondent No.1 – HPCL.

3.3 Learned counsel for respondent No.1 contends that the letter dated 17.03.2026 (Annexure P-9) nowhere takes away the dealership granted

to the petitioners for running the retail outlet and that the petitioners are only required to offer any other suitable site (as per the applicable norms/instructions/brochure) for shifting the retail outlet to the proposed site. However, despite lapse of more than one year, the petitioners have failed to do so.

4. On the other hand, learned counsel for the petitioners submits that he is not in a position to make any statement with regard to bearing any monetary liability on the part of respondent No.1 – HPCL and prays that appropriate orders may be passed by this Court.

5. Considering the aforesaid submissions made by learned counsel for the respective parties, I am of the considered view that since the site in question belongs to the Northern Railways and the competent authority of respondent No.1 – HPCL has already granted approval for surrendering the site where the petitioners are running the retail outlet, and further since the petitioners are not willing to bear the monetary liability which may fall upon respondent No.1 – HPCL in case the site is not vacated at the earliest; I see no compelling reason to grant a period of two months to the petitioners for vacating the premises in question.

6. In view of the above, the present writ petition is dismissed. However, the petitioners are granted liberty to remove their items/goods from the site in question within a period of one week from today, failing which respondent No.1 – HPCL shall be at liberty to take appropriate action for getting the site vacated from the petitioners (as the circumstances may warrant) including by seeking police assistance.

6.1 It is further made clear that respondent No.1 – HPCL shall also be entitled to remove the fuel stored in the underground tanks at the site so

as to ensure that possession of the site in question is handed over to the Northern Railways well within time.

7. All the pending application(s), if any, shall also stand closed.

06.05.2026
Apurva

(HARSH BUNGER)
JUDGE

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