



**LPA-833-2020 (O&M) 1**

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

**(212) LPA-833-2020 (O&M)  
Date of Decision : January 28, 2026**

**Suresh Devi .. Appellant**

**Versus**

**Hindustan Petroleum Corporation Ltd. and others .. Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI  
HON'BLE MR. JUSTICE VIKAS SURI**

**Present:** Mr. Amit Jhnaji, Senior Advocate, with  
Mr. Shashank Shekhar Sharma, Advocate, for the appellant.

Mr. Raman Sharma, Advocate, for respondents No. 1 and 2.

Mr. Sandeep Verma, Advocate, for respondent No.3.

**HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present appeal, the challenge is to the order dated 09.11.2020 passed by the learned Single Judge in CWP No.2829 of 2020 by which, the writ petition filed by Meena Yadav challenging her rejection of allotment of Retail Outlet Dealership (Fuel Station/Petrol Pump) which was cancelled vide communication dated 17.08.2019, has been allowed and she has been held eligible for the allotment of the said Retail Outlet Dealership (Fuel Station/Petrol Pump) as per her selection.

2. The facts leading to the filing of the present appeal are that an advertisement was issued by Hindustan Petroleum Corporation (hereinafter referred to as 'Corporation') on 25.11.2018 for the allotment of retail outlet within 1 km from Gopal Dev Chowk on Rewari-Narnaul Road. The appellant as well as respondent No.3 submitted an application for allotment of said retail outlet. After completing the formalities which are required to

**LPA-833-2020 (O&M) 2**

be fulfilled so as to be declared eligible, a draw of lot was held on 30.01.2019 and in the said draw of lot, Meena Yadav i.e. respondent No.3 in the present appeal (who was petitioner before the learned Single Judge) got successful. The documents required for grant of said retail outlet were verified and the Land Evaluation Committee (LEC) consisting of three members visited the site which was offered by Meena Yadav to set up said retail outlet on 06.03.2019 and after evaluation of said land, the Land Evaluation Committee (LEC) declared Meena Yadav ineligible vide communication dated 17.08.2019 on the ground that there exists a median cut at 68 meters from the offered site by Meena Yadav.

3. Aggrieved by said decision, Meena Yadav filed a representation dated 19.09.2019 that there was no median cut present within a distance of even 100 meters on or after 06.03.2019, i.e. the day of evaluation of land offered for set up of retail outlet by Land Evaluation Committee (LEC) and she was not responsible for any such illegal median cut on the highway made by someone else and therefore, declaring her offered site as not fit for setting of retail outlet on the ground of it not meeting required norms, is arbitrary and therefore, being the successful in draw of lot, she should be allotted the Retail Outlet Dealership (Fuel Station/Petrol Pump).

4. The respondent-Corporation did not accept the said offer/representation of Meena Yadav and went ahead with a fresh draw of lot for grant of retail outlet out of the remaining applicants in which draw of lots the appellant became successful. Surprisingly, the land which was offered by the appellant for setting up the retail outlet was also situated

**LPA-833-2020 (O&M) 3**

immediately opposite the said median cut, which median cut was made the basis for denial of the benefit of allotment of Petrol Station to Meena Yadav by stating that same does not fulfill required norms.

5. In the meantime, Meena Yadav i.e. respondent No.3 herein approached this Court by filing CWP No.2829 of 2020 challenging the order dated 17.08.2019 declining her eligibility for the allotment of Petrol Station.

6. The learned Single Judge vide impugned judgment held that as the median cut, which was made the subject matter of denial of eligibility to the offered site by Meena Yadav, was not made by her and was rather unauthorizedly made by somebody else and in view of said aspect, the land offered by Meena Yadav could not have been rejected solely on the said ground and while passing said order neither the highway authorities were asked valid/relevant queries and nor Meena Yadav was given any opportunity to object the same and considering all these aspects held her eligible to be considered for allotment of the Petrol Station as per her selection.

7. Learned Senior Counsel appearing on behalf of the appellant argues that once, the Land Evaluation Committee (LEC) after inspection of site in question found the site offered by Meena Yadav as unsuitable on the ground that the same did not meet the required norms and in the subsequent draw of lots after declining claim of Meena Yadav, the appellant became successful, there could not have been reconsideration of the issue and even if, the median cut was unauthorized, the benefit of allotment could not have been given in favour of Meena Yadav rather, the appellant should have been

**LPA-833-2020 (O&M) 4**

allowed to continue with the allotment being successful in the second round of draw of lots.

8. We have heard learned counsel for the parties and have gone through the record with their able assistance.

9. The first, foremost and important fact in the present case is that the median cut which was made the subject matter and the reason for denying the benefit of allotment of Petrol Station to Meena Yadav that her land is situated next to an unauthorized cut, the same median cut is also situated next to the land offered by the appellant for setting up of the retail outlet dealership hence, in case Meena Yadav suffers the disqualification for grant of retail outlet dealership, the appellant concededly suffers the same disqualification, her land being situated near same median cut.

10. Now, keeping in view the said fact in mind, the arguments being raised by the learned Senior Counsel on behalf of the appellant are to be appreciated.

11. Learned Senior Counsel for the appellant submits that in case the impugned judgment of the learned Single Judge is to be complied with so as to hold that the land situated next to the median cut offered either by Meena Yadav or by the appellant is to be treated as a valid land, there has to be a fresh process of draw of lots so as to find that who is to be given the allotment of said retail outlet dealership.

12. The said assertion is being opposed not only by respondent No.3- Meena Yadav but also by the respondent-Corporation stating that once, an initial draw of lot for grant of retail outlet dealership was held in which appellant also participated and whereby Meena Yadav was found



successful, she has to be preferred over the appellant for grant of said retail outlet dealership in case the judgment of the learned Single Judge is to be complied with for granting the benefit of allotment to Meena Yadav and the assertion of the appellant that process of draw of lots should be initiated afresh, cannot be accepted.

13. Before the learned Single Judge, the only issue which was dwelled upon and adjudicated was that whether the unauthorized median cut can take away the right of Meena Yadav for allotment of the site or not. Once, the said finding has been given by the learned Single Judge that the same cannot operate to the disadvantage of Meena Yadav for purpose of allotment of said retail outlet dealership, the respondent-Corporation is bound to give/offer the said site to the first candidate who was found eligible successful in the draw of lots and concededly that was Meena Yadav and that too when appellant also participated in the said draw of lots. Hence, the argument of the learned Senior Counsel for the appellant that the draw of lots should be held afresh, cannot be accepted so as to deny the benefit of allotment to Meena Yadav and consequently putting her at a disadvantageous position so as to again participate in the process of drawing lots especially without there being any fault on her part while competing for allotment of the Petrol Station.

14. In the present case, the learned Senior Counsel for the appellant has placed reliance upon Clause 17 of the instructions so as to contend that in case the candidate who has been found suitable initially and at a later stage, is found to be ineligible, then in such a case, the draw of lot is to be held again involving the remaining candidate, afresh.



15. It may be noticed that the said process envisaged in said clause was followed when the allotment was cancelled qua Meena Yadav in which second draw of lots, the appellant was found successful. In the present case, the learned Single Judge has recorded a finding that the cancellation of the candidature of Meena Yadav for allotment was bad and therefore, it has to be deemed that there was no cancellation of allotment after the first candidate i.e. Meena Yadav was found eligible hence, the clause which is being brought forward so as to put the same in operation in the present case, is not at all applicable and therefore, the argument of the learned Senior Counsel that there should be fresh draw of lots so as to find out the eligible candidates, cannot be accepted.

16. Further, it may be noticed that even the respondent-Corporation who is the appropriate authority to allow the said allotment, has filed an affidavit dated 07.01.2021 stating that they are ready to comply with the judgment of the learned Single Judge so as to treat Meena Yadav eligible hence, in the said fact, the appellant, who only came into picture only after Meena Yadav became ineligible for same, which ineligibility already stands set aside, appellant cannot raise a plea that she also has a right to claim allotment by holding the draw of lot afresh.

17. No other argument has been raised.

18. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case as the order passed by the learned Single Judge has not been proved perverse either on facts or on law.

19. Accordingly, the appeal is dismissed.

LPA-833-2020 (O&M) 7

20. Civil miscellaneous application pending if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)  
JUDGE

January 28, 2026  
harsha

(VIKAS SURI)  
JUDGE

Whether speaking/reasoned : Yes  
Whether reportable : No