

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

CWP-2558-2025

Date of Decision: 18.03.2025

Teja

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. R.S. Mamli, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

Mr. Ashish Kapoor, Advocate
for respondents No.4 and 5.

HARSH BUNGER J. (ORAL)

Petitioner (Teja) has filed the instant writ petition under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of Certiorari to set aside orders dated 16.08.2024 (Annexure P-8) and 29.10.2024 (Annexure P-11), passed by the Executive Engineer, Provincial Division, PWD (B&R) Branch Hansi; with a further prayer to issue appropriate directions upon the respondent-authorities to issue 'No Objection Certificate' to the petitioner.

2. Briefly, respondent No.4 – Indian Oil Corporation, Hisar issued an advertisement for retail outlet (petrol pump) on various places, including location falling within 2 Kms. of Dhani Brahamanan Bus Stand towards Hansi on Jind to Hansi Road. Petitioner is stated to have applied under the Scheduled Castes Category for the aforesaid retail outlet dealership, for

which, he had taken land measuring 9 Kanal-14 Marla, situated in Rajpura, Tehsil Narnaund, District Hisar, on lease from one Chandro Devi and others.

2.1 It appears that a draw of lots was conducted for all the sites, except the site for which the petitioner had submitted the application, as one Keshav had filed a Civil Suit bearing No.270 dated 18.07.2019 before the Court of Civil Judge (Junior Division), Hansi, which came to be dismissed vide order dated 22.11.2019.

2.2 It transpires that petitioner had earlier filed a writ petition bearing CWP No.11784 of 2021 before this Court, which was disposed of vide order dated 06.08.2021 (Annexure P-3), with a direction to the respondents therein to hold draw of lots in respect of the outlet in dispute as expeditiously as possible. It is stated that in the draw of lots, petitioner herein was the successful candidate and he had also fulfilled all the formalities, however, 'No Objection Certificate' is not being issued to him by the respondents despite the submission of all the relevant documents and the matter is unnecessarily being delayed. It is further stated that vide order dated 29.10.2024 (Annexure P-11), 'No Objection Certificate' has been rejected by the Executive Engineer, Provincial Division, PWD (B&R) Branch Hansi by observing as under:-

".... Second case of NOC for establishment of retail outlet (IOCL Petrol Pump) issued from your good office vide his office memo no. 164-175/PL dated 21.04.2023 and received in this office on dated 26.04.2023.

As per IRC 12-2009 of Guidelines for Access, Location and Layout of Roadside Fuel Stations and Service Stations/Gazette notification dated 27.10.2020, there is a requirement of minimum distance of 300 mtr. between two fuel stations, being a State Highway Road, but at site, the distance between proposed both fuels station is approx. 133 mtr. which

is not as per guideline/norms. The meeting was held on dated 19.07.2024 in Division office and committee has decided in the meeting that, which the NOC case was received first from the Deputy Commissioner, Hisar, accordingly, the case was sent to the circle office for approval and circle office committee has approved for Sr. No.1 and this office has issued NOC vide this office memo no. 5950 dated 05.08.2024.

Accordingly, the 2nd NOC case received on dated 26.04.2023, which the distance is 133 mtr., which is less than the norms is hereby rejected as does not fulfil as per IRC 12-2009/Gazette Notification dated 27.10.2020.”

3. In the aforementioned circumstances, the present writ petition has been filed before this Court, seeking relief(s) as noticed hereinabove.

4. Learned State counsel, who is appearing in pursuance of the advance copy of paper book having already been supplied to her, while referring to Annexure P-9, has submitted that in fact, the instant writ petition is not maintainable at the instance of petitioner as the ‘No Objection Certificate’ in question had been applied by respondent No.4 – Indian Oil Corporation, Hisar.

5. Heard.

6. Concededly, in the instant case, respondent No.4 – Indian Oil Corporation, Hisar had applied for grant of ‘No Objection Certificate’ (Annexure P-9) for establishment of Retail Outlet (Petrol Pump) at the proposed location situated at *Khasra No.80//13, 14/2*, within 2 Kms. of Dhani Brahamanan Bus Stand towards Hansi on Jind to Hansi Road (SH12), District Hisar, Haryana. Relevant extract thereof reads as under:-

“Dear Sir/Madam,

We propose to set up a new MS/HSD Retail Outlet (Petrol Pump) on land bearing Khasra No.80//13, 14/2, within 2 KM of Dhani Brahamanan Bus Stand towards Hansi on Jind to Hansi Road (SH12), District Hisar, Haryana. We are

enclosing herewith twelve copies of blue print of proposed MS/HSD Retail Outlet (Petrol Pump) for your kind consideration.

You are requested to kindly issue No Objection Certificate for setting up Retail Outlet (Petrol Pump) at your earliest.

Thanking you

*For Indian Oil Corporation Ltd. (M.D.)
Divisional Retail Sales Head
Hisar Divisional Office ”*

6.1 The aforesaid ‘No Objection Certificate’ has been rejected vide order dated 29.10.2024 (Annexure P-11) passed by the Executive Engineer Provincial Division, PWD (B&R) Branch Hansi.

7. Since the ‘No Objection Certificate’ in question was applied by respondent No.4 – Indian Oil Corporation, Hisar, therefore, the cause of action (if any) had accrued in favour of respondent No.4.

8. Learned counsel for the petitioner has not been able to show that as to how the instant writ petition is maintainable at the instance of petitioner. It is further noticed that even the assertion made on behalf of the petitioner in paragraph No.8 of the instant writ petition to the effect that the draw has been allotted in his favour, is not substantiated by any document, whatsoever.

9. Keeping in view the aforesaid facts and circumstances, the present writ petition is dismissed.

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

18.03.2025
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No