

In the High Court of Punjab and Haryana, at Chandigarh.

Civil Writ Petition No. 11586 of 2008

Date of Decision: 29.8.2008

Narinder Singh

...Petitioner

Versus

Deputy Commissioner, Gurdaspur and Another

...Respondents

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE KANWALJIT SINGH AHLUWALIA.**

Present: Mr. Ranjan Lakhanpal, Advocate
for the petitioner.

Mr. Sandeep Moudgil, Deputy Advocate
General, Punjab, for respondent No.1.

None for respondent No.2.

Hemant Gupta, J.

The petitioner has challenged the order dated 9.6.2008 whereby No Objection Certificate granted for running the Petrol Pump was cancelled.

It is the case of the petitioner that No Objection Certificate for running of Petrol Pump was granted to him but the same has been cancelled on 9.6.2008 without giving any opportunity of hearing. It is further contended that No Objection Certificate was granted after the revenue authorities examined the claim of the petitioner which is apparent from the communication (Annexure P2) and therefore, No

Objection Certificate could not have been cancelled.

Firstly Annexure P2 relied upon by the petitioner is a communication by the Sub Divisional Magistrate, Dera Baba Nanak to the Deputy Commissioner, Gurdaspur, in respect of issuance of No Objection Certificate for the new Petrol Pump at village Dharamkot Randhawa. Such communication is not addressed to the petitioner. Still further Annexure P1 is to the effect that No Objection Certificate was granted to the Indian Oil Corporation Limited but the Petrol Pump has not been installed at village Dharamkot Randhawa, as per site plan submitted.

In reply, it has been pointed out that though the Petrol Pump was to be installed by the Indian Oil Corporation Limited at village Dharamkot Randhawa but the Petrol Pump was installed at village Rattar Chhattar, Tehsil Dera Baba Nanak for which Indian Oil Corporation Limited has never applied for nor any No Objection Certificate was ever granted to the petitioner. It is further pointed out that in fact No Objection Certificate was issued to Bharat Petroleum Corporation Limited for setting up a Petrol Pump at village Rattar Chhattar, Tehsil Dera Baba Nanak. It is further pointed out that the petitioner has challenged such grant of No Objection Certificate by way of writ petition before this Court. It is further pointed out that though the said No Objection Certificate was withdrawn but said action is subject matter of challenge in separate writ petition.

After hearing counsel for the parties, it transpires that No Objection Certificate was granted to the Indian Oil Corporation Limited for setting up a Petrol Pump at village Dharamkot Randhawa. The cause

of action, if any, against the cancellation of No Objection Certificate vest with the Indian Oil Corporation Limited and not the petitioner who was owner of the land over the Petrol Pump was to be installed. Still further, the No Objection Certificate was for a different village but the Petrol Pump has been installed in another village.

In view of this fact, we do not find any illegality in the order of withdrawing No Objection Certificate which may warrant interference of this Court.

Dismissed.

(Hemant Gupta)
Judge

(Kanwaljit Singh Ahluwalia)
Judge

August 29, 2008
“DK”