

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Sr. No.203

CWP-11971-2021 (O&M)
Date of decision : 06.08.2021

Ishwar Singh

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. S.K. Nehra, Advocate, for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

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

SUDHIR MITTAL, J. (Oral)

The only grievance of the petitioner in this writ petition is that NOC for setting up a retail outlet has been refused by the P.W.D (B&R) department. The letter of refusal is dated 18.02.2021 (Annexure P-12), in which, three reasons have been mentioned. However, learned counsel for the petitioner has confined his challenge only to rejection on the ground of minimum distance required from the nearest outlet.

Written statement on behalf of the State is on record, in which, it has been submitted that NOC is to be issued by the Deputy Commissioner concerned and that the P.W.D (B&R) department is only a recommending authority. The letter dated 18.02.2021 (Annexure P-12) is not an order of rejection and is only a recommendation and the file of the petitioner has been sent to the Deputy Commissioner concerned alongwith the said recommendation. Final order is to be passed by the Deputy Commissioner and thus, the writ petition is pre-mature.

Faced with this situation, learned counsel for the petitioner submits that the writ petition may be disposed of with a direction to the Deputy Commissioner, concerned to decide the matter of NOC in accordance with law and in a time-bound manner. The request is reasonable and is accepted.

The writ petition is disposed of with a direction to the Deputy Commissioner, Fatehabad to decide the pending matter of NOC of the petitioner by passing a speaking order and by keeping in view the law laid down by this Court on the subject. The order be passed as expeditiously as possible and not later than eight weeks from the date of receipt of certified copy of this order.

(SUDHIR MITTAL)
JUDGE

06.08.2021

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No