
(2021) 10 UK CK 0226

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1929 Of 2021

Maladevi @ Malavati

APPELLANT

Vs

District Magistrate, Haridwar & Another

RESPONDENT

Date of Decision : 29-10-2021

Acts Referred:

Citation : (2021) 10 UK CK 0226

Hon'ble Judges : Manoj Kumar Tiwari, J

Bench : Single Bench

Advocate : Parikshit Saini, T.S. Phartiyal

Judgement

Manoj K. Tiwari, J

1. Petitioner applied for petty diesel retail outlet. Her application has been rejected by District Magistrate, Haridwar vide order dated 30.08.2021 on the ground that the proposed site of the petitioner is within 2 kms from M/s Krishna Filling Station and 5 kms from M/s Shivalik Filling Station. District Magistrate, Haridwar has relied on para 2 of Government Order dated 26.04.2002 for rejecting petitioner's application.

2. In the writ petition, it has been pleaded in para 19 that the said Government Order was quashed by Division Bench of this Court vide judgment dated 13.08.2003 rendered in WPMS No. 252 of 2003.

3. A counter affidavit has been filed on behalf of the respondents, however, it is silent on this aspect.

4. Since condition, contained in para 2 of the aforesaid Government Order, was quashed, therefore, the rejection of petitioner's application by invoking the said condition cannot be sustained in the eyes of law.

5. Accordingly, the impugned rejection order dated 30.08.2021 is quashed. The matter is remitted back to the District Magistrate, Haridwar to reconsider petitioner's application, in accordance with law.

6. Let certified copy of this order be supplied to the petitioner within 24 hours.