

(2020) 01 RAJ CK 0227
In the Rajasthan High Court
Case No : Civil Writ Petition No. 790 Of 2020

Popat Lal Patel

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 28-01-2020

Acts Referred:

Citation : (2020) 01 RAJ CK 0227

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Rajesh Shah, Shambhoo Singh

Final Decision : Disposed Of

Judgement

This writ petition has been filed by the petitioners aggrieved against setting up of retail outlet by the respondent No.7.

The challenge has been laid on the ground that the petitioners' fuel station is already established and the other fuel station is being established in close proximity i.e. less than 300 mtr. away, which is in violation of the conditions indicated by the Indian Road Congress and various other stipulations in this regard and, therefore, the No Objection Certificate ('NOC') granted by the authorities for setting up the retail outlet be quashed and set-aside.

A response has been filed by the respondent No.7 disputing the submissions made by the petitioners and submissions have been made that all the requisite NOCs have been procured and that based on the same, the NOC has been issued by the respondents and therefore, no case for interference is made out.

I have considered the submissions made by learned counsel for the parties and have perused the material available on record.

The District Collector vide its NOC dated 22.11.2019 (Annex.10), after taking into consideration all the relevant provisions including clause 4.6.3 and 4.6.4 of the Indian Road Congress as well as 6.1.2 and 6.1.3 of the norms issued by the

State Government dated 27.10.2004, has accorded permission based on the various NOCs issued by different departments.

A perusal of the order, inter-alia, indicates that the Superintending Engineer, accorded relaxation on distance between two fuel stations and imposed conditions as indicated in the conditions of Indian Road Congress, and alongwith the NOC issued by the Collector, a drawing attached therewith formed part of the permission granted.

Learned counsel for the respondents has produced the requisite map as Annexure-R/7/10. The map takes into consideration various conditions, which have been imposed by the Indian Road Congress and the State Government i.e. constructing 5.50 mtr. wide service road with acceleration and deacceleration, the service road of minimum 7 mtr. wide etc. for road safety and therefore, in view of the said situation wherein the permission has been granted based on the various stipulations made in the norms prescribed by the Indian Road Congress and the State Government, no interference in the permission granted is made out.

Insofar as, as the submission that the respondent has so far not complied with the requirements even as per the approved map is concerned, the petitioners may approach the District Collector in this regard and the District Collector, would ensure that the directions given as per the NOC dated 22.11.2019 as reflected in the map are faithfully complied for maintaining the norms and safety, which is required on account of setting up of fuel stations in close proximity.

With the above directions, the writ petition filed by the petitioners stands disposed of.