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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5453/2016**

RAJPAL SINGH YADAV

Through

..... Petitioner

Mr.V.K. Garg, Sr. Adv. with
Mr.Kaushal Yadav, Mr.Nandlal
Mishra, Mr.Neeraj Kr. Sharma &
Mr.Nupoor Dubey, Advs.

versus

UNION OF INDIA & ORS

Through

..... Respondents

Mr.Ajay Digpaul, CGSC with
Mr.Ashwani Kr. Chowdhary, Adv.
for R1.
Mr.Naveen Kumar Raheja, Adv. for
R2/HPCL.

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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02.06.2016

CM Appln.22759/2016

Exemption granted subject to all just exceptions.

Application stands disposed of.

W.P.(C) No.5453/2016 & CM Appln. 22760/2016

The petitioner who is one of the fuel station owners of the locality has challenged the orders of the Hon'ble Minister of Road, Transport and Highways dated 03.09.2012, 21.03.2016 & 06.04.2016 as being malafide and under a colourable exercise of power.

It is submitted that the guidelines with regard to the access roads for

the fuel stations along the highway is being followed by all the fuel stations and by the respondent authorities as well but in order to provide benefit to one of the fuel stations namely respondent no.3, the aforesaid orders have been passed, notwithstanding the order of the NGT whereby the permission granted by the District Magistrate for carrying out construction of access roads was set aside as being violative of the Provision of Forests Act as diversion and creation of access roads could not have been possible without felling of trees.

The provisional NOC which has been granted to the respondents on 03.09.2012 was extended till 31.12.2016 by the aforesaid orders.

The major objection of the petitioner with respect to the aforesaid orders is that the order granting extension could not have been passed by the Hon'ble Minister when the earlier order granting provisional permission to the respondent was not in existence.

The aforesaid contention of the petitioner is seriously contested by the advocates appearing for the respondent nos.1 & 2, namely, Mr.Ajay Digpaul and Mr. Naveen Kumar Raheja, respectively.

Mr.Digpaul, learned advocate appearing for UOI submits that the present application is nothing but a manifestation/illustration of business rivalry. The petitioner, it is argued, does not have the locus to file this petition as he is not aggrieved in any manner and there is no evidence on record to suggest that the extension of the provisional NOC is harming anybody. He further submits that the Hon'ble Minister is well within his powers to accord extension of the NOC which initially was granted provisionally for a specific period of time (1 year).

Similar objections have been raised by Mr.Raheja, learned advocate

appearing for respondent no.2/HPCL who submits that respondent no.3 is only a licensee of respondent no.2 and the license to the fuel station about which the petitioner is clamouring is a company owned fuel station.

The respondents seek some time to respond to the writ petition.

Let a detailed counter affidavits be filed by respondent nos.1 & 2 on or before the next date.

Notice to respondent no.3 shall be issued subject to the deposit of process fee and other requisites within a period of one week from today in addition to dasti notice.

Relist on 08.08.2016.

ASHUTOSH KUMAR, J

JUNE 02, 2016
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