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

% ***Date of Decision: 03.03.2025***

+ W.P.(C) 5836/2016 & CM APPL. 24023/2016

INDIAN OIL CORPORATION LTDPetitioner

Through: Ms. Savita Rustagi, Advocate.

versus

THE LT GOVERNOR GOVT OF NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Shivalakshmi, CGSC with Mr. Govind Sharma, Advocate.
ASI Devender Singh, Parvi Officer
and Inspector Yogesh Kumar,
TI/Rohini.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

1. The grievance of the Petitioner as articulated in its prayers is set out below:

“It is therefore, most respectfully prayed that this Hon'ble Court may be pleased to exercise its power under Articles 226 & 227 of the Constitution of India, praying for quashing/setting aside of orders dated 17.02.2016, passed by Lt. Governor, NCT of Delhi, in Case No.66/2015 - C.A. and order bearing No.5369-72/Jt.C.P./Lic (Expl.) / Pet dated 20.03.2015, passed by Joint Commissioner of Police, Licencing Unit, Delhi, by issuance of Writ of Certiorari against the Respondents, in the interest of justice.”

2. This Court had by an order dated 03.02.2025 passed in a connected matter being W.P.(C) 3695/2015 captioned ***Shri Sarvesh Kumar v. Joint***



Commissioner of Police (Licensing Unit) & Anr. [hereinafter referred to as "**Sarvesh Kumar** case"] has directed that the break in the divider in front of the Neelam Filling Station, Dr. Sahib Singh Verma Marg, Kanjhawala, Delhi, which is a petrol station being run by the Petitioners, be initially closed temporarily till PWD takes steps to close the break in the divider on a permanent basis.

3. It is the case of the Petitioner that the Show Cause Notice was issued to the Petitioner on 26.11.2014 informing the Petitioner that since the petrol station is being run on an extreme curve on the carriage way, there is a threat to public safety leading to fatalities on account of road accidents. The Show Cause Notice then resulted in a cancellation of 'no objection certificate' issued to the Petitioner for running of the petrol pump by an order dated 20.03.2015 and order in appeal dated 17.02.2016.

4. Learned Counsel for the Petitioner submits that during the pendency of the present Petition, interim protection against coercive measures was granted to the Petitioner in view of the order dated 17.04.2015 passed in a connected W.P.(C) 3695/2015.

5. An Affidavit dated 28.02.2025 in compliance with order dated 03.02.2025 has been filed by the Deputy Commissioner of Police on behalf of the Respondents. It is apposite to extract Paragraphs 8 to 10 in this regard which are below:

"8. That in compliance of the order dated 03.02.2025 passed in a connected matter being W.P.(C) 3695/2015 captioned 'Shri Sarvesh Kumar v. Joint Commissioner of Police (Licensing Unit) & Anr. Delhi Police (Respondent No. 2) herein has closed the cut in the divider temporarily in front of the Neelam Service Petrol Station at Kanjhawala, Bawana Road, Delhi.



9. That vide order dated 03.02.2025 Hon'ble Court has directed the Respondents to file an affidavit stating the status of No objection Certificate, post closure of break-in-divider in front of the Neelam Service Petrol station at Kanjhawala, Bawana Road, Delhi.

10. That it is humbly submitted that it would be in public interest, if there is a proper examination of the road, post closure of the cut/divider at least for a period of 6 months to ascertain the road safety and to make sure that no further accident take place because of the sharp curve in front of the Neelam filling station on the said road. The practicality/viability of running the petrol station would only be ascertained, once after a trial period of 6 months is over, if the road is found to be safe and accident free. In light of the same, the deponent requests from this Hon'ble court to further grant a period of at least 6 months to ascertain the situation on the site keeping the safety of commuters on the carriageway. The Respondent no.2 will abide by any direction of the Hon'ble court in the matter in true letter and spirit.”

6. Learned Counsel for Respondent No.2 has submitted that the order dated 03.02.2025 has been complied with and that it would be in public interest if there be an examination the road safety, once trial period of six months post-closure of the cut divider is over. It is further stated that the practicality and viability of the petrol station could only be ascertained once the period of six months is over.

7. This Court is unable to agree. The reason for the Respondents exercising their powers *qua* the petrol station of the Petitioner was in view of the fact that the carriage way and the divided road had led to fatalities and accidents, and thus, there is a threat to public safety.

8. This Court examined this aspect of the matter including in **Sarvesh Kumar** case and basis the pleadings/status reports filed by the Respondents, found that the reason for these fatalities was two-fold. Firstly, that there were two blind cuts/breaks in the divider in front of this petrol station and secondly, that the drivers of the scooterist, bikers and four wheelers pass



through in high speed here.

9. The issue that arose in the present case was in view of the fact that the Respondents felt that the petrol pump was not adequately placed. After an examination by the Respondents, it was found that the closing of the break in the divider in front of the petrol station, would address the issue adequately. In any event, the feasibility and viability of the petrol pump's existence on the other side of the road could possibly not be the cause of fatalities. Once the divider is closed, a petrol station by itself would not be a cause of fatalities.

9.1 So far as concerns the second issue of the scooterists, bikers and four wheelers driving at high speeds, the authorities are at liberty to take all appropriate steps as best advised to combat the speeding issue.

10. In view of the foregoing, the orders dated 17.02.2016 and 20.03.2015 are set aside.

11. The Petition is accordingly allowed. Pending Application stands closed.

12. However, the Respondents are directed to continue to monitor the area at Kanjhawala, Bawana, Delhi, for a period of next six months to ensure the safety of the commuters.

TARA VITASTA GANJU, J

MARCH 3, 2025/pa

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