



W.P.(MD)No.11089 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 11089 of 2021

and

W.M.P(MD)No.8699 of 2021

Thanganallukoothan

... Petitioner

Vs.

1. The Additional Chief Secretary,
Revenue and Disaster Management,
Secretariat,
Chennai.
2. The District Collector,
Pudukottai District,
Pudukottai.
3. The District Revenue Officer,
The District Revenue Office,
Pudukottai District.
4. The Block Development Officer,
Aranthangi,
Pudukottai District.



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5. The Territory Manager,
Indian Oil Corporation Limited,
Divisional Office,
3rd Shesathri Road,
Thillai Nagar,
Trichy and District.

6. C. Rajarathinam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorarified Mandamus* to call for records of the 2nd respondent passed in No.Na.Ka.C3/14248/2020, dated 26.05.2021 and set aside the same and consequently direct the 3rd respondent to recall the 'No objection Certificate' issued in favour of 6th respondent.

For Petitioner : Mr.VR.Shanmuganathan

For Respondents : Mr.B.Saravanan,
Additional Government Pleader,for R-1 to R-4
Mr.K.Muraleedharan, for R-5
Mr.T.Leninkumar, for R-6

ORDER

This writ petition is filed for *Writ of Certiorarified Mandamus* to quash the impugned order, dated 26.05.2021 with a consequential direction to recall the 'No Objection Certificate' issued in favour of the 6th respondent.



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2. Heard Mr.VR.Shanmuganathan, the Learned Counsel appearing for the petitioner, Mr.B.Saravanan, the Learned Additional Government Pleader appearing for the respondents 1 to 4, Mr.K.Muraleedharan, the Learned Counsel appearing for the 5th respondent, Mr.T.Leninkumar, the Learned Counsel appearing for the 6th respondent and perused the material documents available on record.

3. The petitioner is an Ex-President of Village Panchayat of Nattumangalam Village Panchayat, Aranthagi Panchyat Union, Aranthangi Taluk, Pudukkottai District and he is an Agriculturist. The petitioner came to know that the 6th respondent was making arrangement for establishing retail outlet petrol bunk in S.F.No.62/2A4 of Eattiyathali Villge, Aranthangi Taluk, Pudukkottai District.

4. The contention of the petitioner is that a water channel passes through S.F.No.46 which is very much adjacent and abutting to the aforesaid S.F.No.62/2A4. Also, agricultural lands and worshipping places are situated



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within the close proximity of S.F.No.62/2A4. Hence, the petitioner had submitted an objection petition to the 3rd respondent requesting not to issue “No Objection Certificate” to the 6th respondent. The 3rd respondent has passed the impugned order, dated 26.05.2021. The 3rd respondent had considered the petitioner's objection and has rejected the same vide impugned order dated 26.05.2021. The reason cited is that the 6th respondent has not blocked the free flow of water, infact the 6th respondent had already put up a channel, so that there will be free flow of water.

5. The petitioner relied on the conditions stated in the “No objection Certificate” given by the Division Engineer, State Highways Department, Pudukkottai, in his proceedings No.Ka.No.1231/2020/Ee.Va.Aa.2, dated 19.10.2020, wherein it is stated as under:

“3. அணுகுச்சாலை அமைக்கும் இடத்தில் சாலையிலிருந்து வழியும் மழைநீர் வடிந்து, அமையவுள்ள சிறுபாலத்தின் வழியாகச் செல்லுமாறு அமைக்கப்பட வேண்டும்.

4. அணுகுச்சாலை மற்றும் சிறுபாலம் (Culvert) முதலியவற்றின் ஒடுதள மட்டம் தார் சாலையின் விளிம்பிலிருந்து 0.15 மீட்டர் தாழ்வாக இருக்குமாறு அமைக்கப்பட வேண்டும்.



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5. சிறுபாலத்தின் அகலம் 7.00 மீட்டருக்கு குறையாமல் அமைக்கப்பட வேண்டும்.”

6. Therefore, this Court is of the considered opinion that the prayer in the writ petition cannot be granted, since the petitioner is seeking relief to cancel the 'No Objection Certificate'. However, the respondents are directed to inspect the spot and verify whether the 6th respondent constructed the channel as per the Circular. Also ensure there is free flow of water in the channel. If the channel is not put up as per the circular, the respondents may take steps to ensure that the channel is put up as per the circular.

7. With these directions and observations, this Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes



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To

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Pudukottai.
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S.SRIMATHY. J

ksa

**Order made in
W.P.(MD)No.11089 of 2021**

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