



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2015

CORAM:

THE HONOURABLE Mr. JUSTICE K.RAVICHANDRABAABU

**W.P. (MD) No.21963 of 2015
and M.P. (MD) Nos.1 to 3 of 2015**

S.Muthu

... Petitioner

Vs.

1.The District Collector,
Pudukottai District, Pudukottai.

2.The District Revenue Officer,
Pudukkottai District.

3.The Tahsildar,
Ponnamaravathi Taluk, Pudukkottai District.

4.The Executive Officer,
Ponnamaravathi Town Panchayat, Pudukkottai District.

5.The Divisional Manager,
Hindustan Petroleum Corporation Ltd.,
Trichy Retail Regional Office,
Trichy 620 001.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the 2nd respondent vide his proceedings in Na.Ka.C3/1804/2015, dated 17.11.2015 and quash the same as unconstitutional and arbitrary.

For Petitioner : Mr.G.R.Swaminathan for Mr.R.Ponkarthikeyan

For Respondents : Mr.M.Rajaraman,
Government Advocate for R1 to 4

O R D E R

By consent of both parties, the main Writ petition itself is taken up for final disposal.

2.The petitioner is aggrieved against the order passed by the 2nd respondent dated 17.11.2015 wherein and whereby no objection certificate issued by the 2nd respondent earlier was cancelled on the reasons set out in the impugned order.

3.Mr.G.R.Swaminathan, learned appearing for the petitioner submitted that the present impugned order came to be passed in violation of principles of natural justice as no notice was issued to the petitioner before passing this impugned order. He further submitted that even in the earlier proceedings dated 09.02.2015, the



petitioner was only informed that if he is not shifting the petroleum bunk to some other place, proceedings will be initiated to cancel the no objection issued earlier. Therefore, according to the learned counsel, when the authority sought to take action for cancelling the no objection certificate already issued, they have to necessarily issue notice to the petitioner calling upon him to show cause, which they failed to do so as contemplated under Rule 152(2) and the proviso made thereunder of the Petroleum Rules 2002.

4.The learned Government Advocate appearing for the respondents based on instruction submitted that the present impugned order issued to the petitioner itself can be converted and treated as show cause notice issued to the petitioner and thus, the petitioner can give his explanation, which will be considered and decided on merits and in accordance with law.

5.Mr.G.R.Swaminathan, learned counsel for the petitioner submitted that the petitioner will give explanation within a period of 2 weeks from the date of receipt of a copy of this order.

6.Accordingly, these Writ petitions are disposed of as follows:

(a)The 2nd respondent will treat the impugned proceedings dated 17.11.2015 as show cause notice issued to the petitioner.

(b)The petitioner shall give his explanation within 2 weeks from the date of receipt of a copy of this order.

(c)On receipt of such explanation, the 2nd respondent will consider the explanation given by the petitioner and pass orders on the same on merits and in accordance with law after giving due personal hearing to the petitioner, within a period of 4 weeks thereafter.

7.It is made clear that this Court is not expressing any view on the merits of the claim made by the petitioner in this Writ petition. No costs. Consequently, connected M.Ps.are closed.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector, Pudukottai District, Pudukottai.

2.The District Revenue Officer, Pudukkottai District.

3.The Tahsildar, Ponnamaravathi Taluk, Pudukkottai District.

4.The Executive Officer,
Ponnamaravathi Town Panchayat, Pudukkottai Dist.

5.The Divisional Manager, Hindustan Petroleum Corporation Ltd.,
Trichy Retail Regional Office, Trichy 620 001.