



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P. (MD) No.2552 of 2015

K.Vanni

: Petitioner

Vs.

1.The District Revenue Officer,
Trichy District, Trichy.

2.R.Kiruthika

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus directing the first respondent to issue No Objection Certificate for Indian Oil Retail Outlet Dealership, Kiliyanallur, Gunaseelam Range, Kariyamanickam Village, Manachanallur Taluk, Lalgudi Revenue Division, Trichy District to the petitioner within the stipulated period fixed by this Hon'ble Court as per Rule 144(5) of the Petroleum Rules, 2002.

For Petitioner : Mr.R.Rajaraman

For Respondent No.1 : Mr.S.Chandrasekar
Government Advocate

O R D E R

Mr.S.Chandrasekar, learned Government Advocate, takes notice for the first respondent. By consent, the Writ Petition is taken up for disposal at the stage of admission itself.

2. The petitioner seeks a Writ of Mandamus directing the first respondent to issue No Objection Certificate for Indian Oil Retail Outlet Dealership, Kiliyanallur, Gunaseelam Range, Kariyamanickam Village, Manachanallur Taluk, Lalgudi Revenue Division, Trichy District, within the stipulated period fixed by this Hon'ble Court, as per Rule 144(5) of the Petroleum Rules, 2002.

3. According to the petitioner, he was selected and letter of indent was issued by the Indian Oil Corporation on 15.10.2012 and thereafter, the petitioner submitted necessary documents before the first respondent on 24.05.2013 for issuance of No Objection Certificate. Subsequently, the petitioner obtained No Objection Certificates from the Panchayat concerned and the Superintendent of Police, Trichy District. The grievance of the petitioner is that the first respondent has not issued No Objection Certificate. In support of her contention, the learned counsel relies upon Rule 144(5) of the Petroleum Rules 2002, which says that the District Authority shall complete his enquiry for issuing No Objection Certificate



under sub-rule [1] and shall complete the action for issue or refusal of No Objection Certificate, as expeditiously as possible, but not later than three months from the date receipt of application by him. The learned counsel also relies upon the proceedings dated 18.06.2013, in and by which the first respondent herein directed the authorities concerned to enquire into the matter and submit a report. Thereafter, on 15.09.2014, the petitioner submitted a representation seeking issuance of No Objection Certificate. Though two years have lapsed, the petitioner has not been issued with No Objection Certificate.

4. The learned Government Advocate appearing for the respondents would submit that since there is a dispute between the family members of the petitioner in obtaining Petroleum Dealership, the No Objection Certificate, as sought for by the petitioner could not be issued.

5. Admittedly, as per Rule 144[5] of the Petroleum Rules 2002, the District Authority concerned shall complete his enquiry for issuing No Objection Certificate under sub-rule [1] and shall complete the action either for issue or refusal of No Objection Certificate, as expeditiously as possible, but not later than ninety days from the date receipt of application. In the case on hand, as rightly pointed out by the learned counsel appearing for the petitioner, two years have lapsed. Therefore, the first respondent is directed to complete the process, taking into consideration of the proceedings dated 18.06.2013, and pass appropriate orders, on merits and in accordance with law, after giving an opportunity of hearing to the second respondent herein, within a period of two months from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of on the above terms. No costs.

Sd/
Assistant Registrar

/True copy/

sub Assistant Registrar(c.s)

To
The District Revenue Officer,
Trichy District, Trichy.

+1cc to M/S .R.Rajaraman Advocate in SR.No. 8961.

TS/09.03.2015/2P-3C

ORDER MADE IN
W.P. (MD) No.2552 of 2015

26.02.2015