

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W. P. No.15348 of 2016 & W.M.P.Nos.13381 & 13382 of 2016

S.N.K.Agencies,  
Rep. by its Manager K.Tamilarasan,  
No.5, Gandhi Kuppam,  
Cuddalore Main Road,  
Thiruvennainallur, Thirukovilur Taluk,  
Villupuram District. ... Petitioner

- Vs -

1. Union of India,  
Represented by its Secretary,  
Ministry of Petroleum and Natural Gas,  
Government of India,  
Shastri Bhavan,  
New Delhi - 110 001.
2. The Commissioner of Revenue Administration,  
Chepauk, Chennai.
3. The District Collector,  
Villupuram District.
4. The District Revenue Officer,  
Villupuram District,  
Villupuram.
5. The Revenue Divisional Officer,  
Thirukovilur,  
Villupuram District.
6. The Tahsildar,  
Taluk Office,  
Thirukovilur, Villupuram District.

7. The Chief Control of Explosives,  
No.140, Rukamani Laxmipathi Road,  
Mashalls Road, Egmore,  
Chennai - 600 008.

8. M/s.Esar Oil Limited,  
Rep. by its General Manager,  
Essar House, 5<sup>th</sup> Floor,  
No.7, Explande,  
Chennai - 600 108.

9. G.Barathan

.. Respondents

Prayer:- Writ petition filed under Section 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the fourth respondent pertaining to granting NOC vide Ref. No.C5/1217/2015, dated 03.03.2016 and the order of the eighth respondent issuing Letter of Appointment (LOA) dated 16.12.2014 in favour of the ninth respondent, for putting up the retain outlet/Petrol bunk in the land in Survey No.395/2, 395/2H, 395/21 Thiruvannainallur Village and Taluk, Villupuram District and quash the same.

For Petitioner : Mr.G.Arul Murugan

For Respondents : Mr.N.Rajan - SCGSC - R1

Mr.A.Kumar

Spl. Government Pleader -  
R2 to R6

Mr.Abdul Saleem - R8

Mr.N.Suresh - R9

O R D E R

This Writ petition has been filed challenging the granting of NOC dated 03.03.2016 in favour of the ninth respondent for putting up retail outlet.

2. According to the petitioner, the authority has not taken into consideration the mandatory requirement such as size of the plot with required frontage as per the guidelines. Further the fourth respondent has issued the no objection certificate in favour of the eighth and ninth respondent to establish the petrol bunk without obtaining any consent from the third respondent and as such the NOC granted by the fourth respondent

is illegal and it is without adhering to the regulations for granting the said certificate. Moreover, there is no proper access for inlet and outlet to the petrol bunk and it will be completely against the public safety and hence, the present Writ Petition has been filed.

3. The ninth respondent has filed counter stating that the Writ Petition itself is not maintainable and contended that the guidelines provided by the Indian Road Congress will not be applicable to the petroleum outlet constructed by this respondent, as the requirement under the Indian Road Congress is applicable only for petroleum outlet set up in the Highways. The petroleum outlet to be set up by this respondent is not in the highway and it is situate within the roads coming within the control of Tiruvannainallur Town Panchayat and the alleged norms provided for setting up petroleum outlets in the Highways by the Indian Road Congress will not be applicable for this respondent at all and as such the allegation that 30 mtrs frontage is required is absolutely not sustainable. It is further submitted that the petitioner being a competitor cannot challenge the No Objection Certificate issued by the authorities concerned. In that view of the matter, the learned counsel for the respondent relied on the following judgments of the Honourable Supreme Court :

1. 2006(4) MLJ 1164 - Kanyakumar District Petroleum Dealers Association, rep. by its Secretary S.Kumar, Chungankadai, Kanyakumari District Vs. District Revenue Officer and Additional District Magistrate and others

2. AIR 1992 Supreme Court 443(1) - Mithilesh Garg etc. Vs Union of India and others

3. AIR 1971 Supreme Court 246 - The Nagar Rice and Flour Mills and others Vs. N.Teekappa Gowda and Bros. And others

and submitted that competitor cannot challenge the grant of permission and sought for dismissal of this Writ Petition.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

5. The only point which has been raised by the petitioner is that 30 mtrs frontage is required to set up a petroleum outlet. As the petroleum outlet of the ninth respondent is not situated in the Highways, the above requirement is not applicable. The second objection raised by the petitioner, who is a competitor, as per the three judgments relied on by the ninth respondent, a competitor cannot question the No Objection Certificate issued by the authorities. In the circumstances, the Writ Petition is liable to be dismissed.

6. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

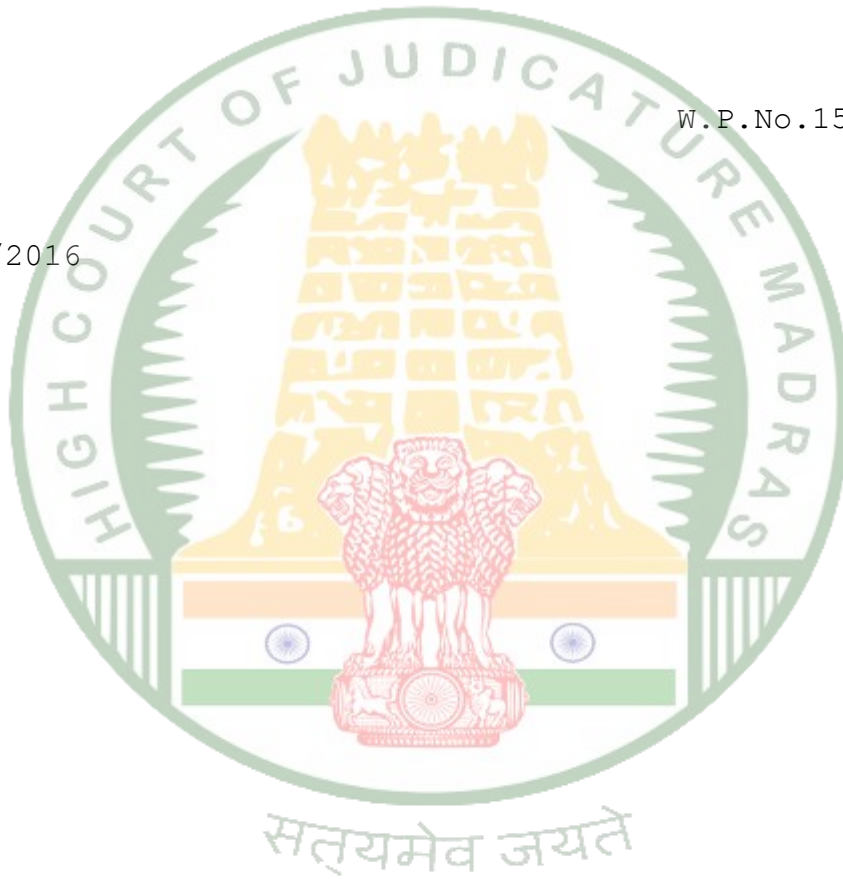
1. The Secretary,  
Ministry of Petroleum and Natural Gas,  
Government of India,  
Shastri Bhavan,  
New Delhi - 110 001.
2. The Commissioner of Revenue Administration,  
Chepauk, Chennai.
3. The District Collector,  
Villupuram District.
4. The District Revenue Officer,  
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5. The Revenue Divisional Officer,  
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6. The Tahsildar,  
Taluk Office,  
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7. The Chief Control of Explosives,  
No.140, Rukumani Laxmipathi Road,  
Mashalls Road, Egmore,  
Chennai - 600 008.

+1cc to Mr.N.Rajan, Advocate Sr.69973  
+1cc to Mr.N.Suresh, Advocate Sr.70015  
+1cc to the Government Pleader Sr.70532  
+1cc to Mr.Abdul Saleem, Advocate Sr.70423  
+1cc to Mr.G.Arul Murugan, Advocate Sr.70135

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