



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 15.12.2016

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P (MD) No.23990 of 2016

P.Moorthy

..Petitioner

Vs

- 1.The State, represented by its
Secretary to Government,
Revenue Department,
Fort.St.George,
Chennai.
- 2.The District Collector,
District Collector's Office,
Theni District.
- 3.The District Revenue Officer,
District Collector's Office,
Theni District.
- 4.The Revenue Divisional Officer,
Periyakulam, Theni District.
- 5.The Tahsildar,
Andipatti Taluk,
Theni District.
- 6.S.K.Kumaresan
- 7.K.Brinda Mala

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents 2 to 5 herein from issuing No Objection Certificate to the sixth and seventh respondents herein for forming petrol bunk in S.Nos.535/14 and 535/14B of Myladumparai Village, Andipatti Taluk, Theni District in the light of the proceedings passed by the fourth respondent vide Na.Ka.No.535/2012/A4, dated 24.4.2012 by considering the Petitioner's representation made before them dated 7.12.2016.



For Petitioner :M/s.B.Brijesh Kishore
For Respondents :Mr.C.Selvaraj
1 to 5 Spl.Govt.Pleader

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ORDER

This Writ Petition is filed to forbear the respondents 2 to 5 from issuing No Objection Certificate to the respondents 6 and 7 for forming Petrol Bunk in S.Nos.535/14 and 535/14B of Myladumparai Village, Andipatti Taluk, Theni District in the light of the proceedings passed by the fourth respondent vide Na.Ka.No.535/2012/A4, dated 24.4.2012 by considering the Petitioner's representation, dated 7.12.2016.

2.Mr.C.Selvaraj, learned Special Government Pleader takes notice for the respondents 1 to 5.

3.By consent of both parties, the main Writ Petition is taken up for disposal, at the admission stage itself.

4.The grievance of the Petitioner is that the respondents 6 and 7 are making hectic attempts to get No Objection Certificate from the Revenue Divisional Officer, Periyakulam, Theni District, by making a fresh application, even though the very same official has already rejected such request through his proceedings, dated 24.4.2012. The learned counsel for the Petitioner further contended that the said order dated 24.4.2012 has not been challenged by the respondents 6 and 7. If that be the case, I do not think that the Petitioner can file the present Writ Petition based on mere apprehension that the respondents 6 and 7 are going to get No Objection Certificate from the fourth respondent, when it is seen that earlier, the very same revenue official has rejected such request through his proceedings, dated 24.4.2012. Therefore, I think that the Petitioner has approached this Court based on mere apprehension, which cannot be entertained at this stage.

5.Accordingly, the Writ Petition is disposed of, however, with liberty to the Petitioner to approach this Court, if and when any order is passed by the said official namely the fourth respondent/The Revenue Divisional Officer, Periyakulam, Theni District or any other revenue officials granting No Objection Certificate to the respondents 6 and 7. No costs.

Sd/-

Assistant Registrar(Admin)

/True copy/



1.The Secretary to Government,
Revenue Department,
Fort.St.George,
Chennai.

2.The District Collector,
District Collector's Office,
Theni District.

3.The District Revenue Officer,
District Collector's Office,
Theni District.

4.The Revenue Divisional Officer,
Periyakulam, Theni District.

5.The Tahsildar,
Andipatti Taluk,
Theni District.

+1 cc to M/s.B.Brijesh Kishore, Advocate in SR.No. 81104
+1 cc to The Special Government Pleader in SR.No. 80906

vsn
CSL/SS-2/SAR-I/22.12.2016: 3P/8C

W.P(MD)No.23990 of 2016
15.12.2016