

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.5264 of 2017 and
W.M.P.No.5583 of 2017

A.Ponnusamy

... Petitioner

Vs.

- 1.The District Collector,
Dharmapuri.
- 2.The District Revenue Officer,
Dharmapuri.
- 3.The Superintendent of Police,
Dharmapuri.
- 4.The District Fire Officer,
Dharmapuri.
- 5.The Divisional Engineer - Regular,
Highways Department, Dharmapuri.
- 6.The Deputy Director,
Health Department, Dharmapuri.
- 7.Union of India
Ministry of Road, Transport and Highways,
Transport Bhavan,
No.1, Parliament Street,
New Delhi - 110 001.
- 8.Bharat Petroleum Corporation Limited,
rep by Territory Manager (Retail),
Karur Retail Territory Office,
Athur & Kadapparai Village,
Athur Post, Karur - 639 008.

9.V.Chennakrishnan

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus forbearing the 8th respondent from permitting the 9th respondent from commissioning of the petrol bunk in Survey No.7/1C2, Idlappatti Village, Harur Taluk and Dharmapuri District in pursuant to the NOC granted to the 9th respondent by the respondents 1 to 6.

For Petitioner : Mr.J.Bharathiraja

For Respondents: Mr.S.V.Doraisolaimalai,
Additional Government Pleader (R1 to R6)

Mr.C.E.Pratap,
for Mr.O.R.Santhanakrishnan (R8)

R7 & R9 - not ready in notice

O R D E R

The learned counsel appearing for the 8th respondent submitted that the relief sought for in the Writ Petition has become infructuous for the reason that the Petrol Bunk in Survey No.7/1C2, Idlappatti Village, Harur Taluk and Dharmapuri District had already been commissioned.

2.In these circumstances, the learned counsel appearing for the petitioner sought the permission of this Court to withdraw the Writ Petition with liberty to file a fresh Writ Petition challenging the order passed by the 2nd respondent.

3.Mr.S.V.Doraisolaimalai, learned Additional Government Pleader submitted that only an appeal is maintainable as against the order passed by the 2nd respondent.

4.In view of the submissions made by the learned counsel on either side, the Writ Petition is dismissed as withdrawn and it is open to the petitioner to file a Writ Petition in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

va

To

- 1.The District Collector,
Dharmapuri.
- 2.The District Revenue Officer,
Dharmapuri.
- 3.The Superintendent of Police,
Dharmapuri.
- 4.The District Fire Officer,
Dharmapuri.
- 5.The Divisional Engineer - Regular,
Highways Department, Dharmapuri.
- 6.The Deputy Director,
Health Department, Dharmapuri.
- 7.Union of India
Ministry of Road, Transport and Highways,
Transport Bhavan,
No.1, Parliament Street,
New Delhi - 110 001.

+1cc to Mr.Bharathi Raja, Advocate, S.R.No.21828
+1cc to Mr.Santhana Krishnan, Advocate, S.R.No.21800
+1cc to the Government Pleader, S.R.No.21919

सत्यमेव जयते

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NM(CO)
RS(20/04/2017)

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