

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.23870 of 2017

S.Nithyananthan

.. Petitioner

Vs.

1. The District Revenue Officer,
Dharmapuri District, Dharmapuri.
2. The Divisional Engineer,
(Operation & Maintenance)
Highways, Dharmapuri.
3. The Superintendent of Police,
Dharmapuri.
4. Indian Oil Corporation Limited,
(Marketing Division), Salem Divisional Office,
No.234, 1st Floor, NH-7,
Salem-Bangalore Bye-pass Road,
Kondalampatti, Salem - 636 010

(R4 impleaded as per order dated 23.10.2017
in WMP.No.28858/2017 in
W.P.No.23870/2017)

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 1st respondent to issue No Objection Certificate to the petitioner to develop the retail out of Indian Oil Corporation in Survey No.458/2 at Vagurappampatti Village, Karimangalam Taluk, Dharmapuri District on the Morappur-Karimangalam Road without reference to the guidelines framed by the Indian Road Congress (IRC-2009) as it is not mandatory.

For Petitioner : Mr.M.S.Krishnan,
Senior Counsel
for Mr.J.Bharathiraja

For Respondent : Mr.P.V.Selvakumar,,
Additional Government Pleader
for R1 to R3
Mr.Abdul Saleem,
Standing Counsel for R4.

O R D E R

Heard Mr.M.S.Krishnan, learned senior counsel appearing for the petitioner, Mr.P.V.Selvakumar, learned Additional Government Pleader appearing for respondents 1 to 3 and Mr.Abdul Saleem, learned Standing Counsel appearing for the 4th respondent.

2. The petitioner seeks for a mandamus to direct the 1st respondent to issue No Objection Certificate to the petitioner to develop the retail outlet of Indian Oil Corporation in Survey No.458/2 at Vagurappampatti Village, Karimangalam Taluk, Dharmapuri District on the Morappur-Karimangalam Road without reference to the guidelines framed by the Indian Road Congress (IRC-2009) as it is not mandatory.

3. The petitioner claims that he was declared and selected for locating the retail outlet of Indian Oil Corporation Limited at S.No.458/2 at Vagurappampatti Village, Karimangalam Taluk, Dharmapuri District. The 4th respondent applied before the first respondent for issuance of No Objection Certificate to commission the Petrol Bunk at the above said site. The grievance of the petitioner is that such request is not considered by the first respondent so far, even though there cannot be any objection on the part of the first respondent, legally sustainable.

4. Learned counsel appearing for the 4th respondent submitted that the petitioner was declared and selected as the retail outlet dealer to locate the petrol bunk at the said site and therefore, it is for the 1st respondent to consider the request already made by the 4th respondent for issuing No Objection Certificate.

5. Learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the request of the petitioner and the 4th respondent will be considered on merits and appropriate orders will be passed within the time fixed by this Court.

6. Therefore, this Writ Petition is disposed of by directing the 1st respondent to consider the request of the petitioner and the 4th respondent for grant of No Objection Certificate to commission the Petrol Bunk at the above said site after giving due opportunity of hearing to the petitioner as well as the 4th respondent and pass orders on merit and in accordance with law. It is open to the petitioner to raise all the points and make his submissions, in support of his claim, before the 1st respondent at the time of enquiry. The whole exercise shall be done by the 1st respondent and final order shall be passed

within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The District Revenue Officer,
Dharmapuri District,
Dharmapuri.
2. The Divisional Engineer,
(Operation & Maintenance)
Highways, Dharmapuri.
3. The Superintendent of Police,
Dharmapuri.
4. Indian Oil Corporation Limited,
(Marketing Division), Salem Divisional Office,
No.234, 1st Floor, NH-7,
Salem-Bangalore Bye-pass Road,
Kondalampatti, Salem - 636 010

+1cc to Mr.J.Bharathiraja, Advocate, S.R.No.75583
+1cc to Mr.Abdul Saleem, Advocate, S.R.No.75601
+1cc to the Government Pleader, S.R.No.75685

सत्यमेव जयते

W.P.No.23870 of 2017

GN(27/10/2017)

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