

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

Dated: 17.03.2017

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

WP.No. 25702 of 2016
W.M.P Nos.22033 and 22034 of 2016

M/s Sri Renuga Agencies,
Partnership Firm
Represented by its partnership
D.Mashesh,
S/o. Late. Devadoss,
D.No - 620
Near Theni Police Station,
Periyakulam Road,
Theni- 625 531

.... Petitioner

Vs.

1. The Commissioner,
Land Administration,
Chepauk, Chennai.
2. The Chief Controller,
Department of Explosive,
No. 140, Rukmani Lakshmipathy Marshall Road,
Egmore,
Chennai - 600 008.
3. The Joint Chief Controller of Explosives,
South Circle, Chennai
Department of Explosive,
No. 140, Rukmani Lakshmipathy Marshall Road,
Egmore, Chennai - 600 008.
4. The District Collector,
Theni District,
Theni.
5. The District Revenue Officer,
Theni District.
6. Hindustan Petroleum Corporation Ltd.,
Madurai.
Rep by its Senior Regional Manager,
Plot No.7, 3rd Fkoor, Rakesh Towers,
Bye Pass Road, Maduyrai.

7. N.A.K. Gopalakrishna Raja,
S/o. N.A.Konduraja,
No.81, Edamal Street,
Theni - 625 531

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the impugned order passed by the 5th respondent in Na.Ka.No. C4/35611/2011, dated 07.12.2015 and consequential impugned order of the 3rd respondent in No.P/SC/TN/14/204 (p30519), dated 22.12.2015 and quash the same.

For Petitioner : Mr.AR.L.Sundaresan senior counsel for
M/s.P.T.Ramadevi

For Respondents: Mr.A.N.Thambidurai for RR1,2,4&5
Mr.SU.Srinivasan ASGI for R3
M/s.Rita Chandrasekaran for
M/s.Aiyar and Dolia for R7

Mr.O.R.Santhanakrishnan for
Mr.Inbanathan for R6

O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal.

2.Heard Mr.AR.L.Sundaresan, learned Senior counsel assisted by M/s.P.T.Ramadevi, learned counsel for the petitioner, Mr.A.N.Thambidurai, learned Special Government Pleader appearing for respondents No.1,2,4,5, Mr.SU.Srinivasan, learned Additional Solicitor General of India appearing for third respondent, Mr.O.R.Santhanakrishnan learned counsel appearing for Mr.Inbanathan, learned counsel for the sixth respondent and Mrs.Rita Chandrasekaran learned counsel appearing for M/s.Aiyar and Dolia, learned counsel appearing for seventh respondent.

3. The petitioner has filed this Writ Petition praying for issuance of a Writ of Certiorari, to quash the order passed by the fifth respondent, District Revenue Officer, Theni District. By the impugned order, the fifth respondent cancelled the No Objection Certificate granted for establishment of a retail outlet at Dindigul.

4. During the pendency of the Writ Petition, it was brought to the notice of this Court, that as against such order, an appeal has been preferred to the Transport Commissioner. Therefore, this Court issued an interim direction on 22.09.2016, to direct the Transport Commissioner to hear the parties, namely, the Writ Petitioner, the sixth respondent and the seventh respondent and pass appropriate orders on merits and in accordance with law. The copy of the order was directed to be communicated to the Transport Commissioner.

5. It is appears that the Transport Commissioner has received the order, and has heard the parties and the enquiry has already been completed. All that is required to be done is to pass an order. Therefore, there will be a direction to the Transport Commissioner to pass final orders on merits and in accordance with law and communicate the same to the concerned parties on or before 17.04.2017.

6. With the above direction, the Writ Petition stands disposed of. It is made clear that this Court has not adjudicated into the contentions raised by the respective parties and is left open to be agitated as and when need arises. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,
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Chennai
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South Circle, Chennai
Department of Explosive,
No. 140, Rukmani Lakshmipathy Marshall Road,
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4. The District Collector,
Theni District,
Theni.
5. The District Revenue Officer,
Theni District.
6. Hindustan Petroleum Corporation Ltd.,
Madurai.
Rep by its Senior Regional Manager,
Plot No.7, 3rd Fkooor, Rakesh Towers,
Bye Pass Road, Maduyrai.
7. The Transport Commissioner,
Commissionerate of Transport
Ezhilagam, Chepauk, Chennai-600 005.
8. Mr.A.N.Thambidurai,
Special Government Pleader,
High Court, Madras.

+1cc to M/S.P.T.Ramadevi, Advocate Sr.17212
+1cc to M/S.Su.Srinivasan, Advocate Sr.16889
+1cc to M/S.Aiyer & Dolia, Advocate Sr.17587

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vsn[co]
srg 28/03/2017

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