

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.43012 of 2016 and

W.M.P.No.36863 of 2016

P.G.M. Petrol Bunk

Dealer of Indian Oil Corporation

represented by its Proprietor

P.Goush Basha

S/o K.Mohammed Peyrajan

Dasagonipalli, Veppanapalli Village and Post,

Krishnagiri Taluk & District.

Petitioner

Vs.

1.The Union of India

rep by its Secretary to Government,

Ministry of Petroleum & Natural Gas,

Shastri Bhavan, New Delhi - 110 001.

2.The District Collector,

Krishnagiri, Krishnagiri District.

3.The District Revenue Officer,

Krishnagiri, Krishnagiri District.

4.The District Fire Officer,

Krishnagiri, Krishnagiri District.

5.The District Health Officer,

Krishnagiri.

6.The Divisional Engineer,

Tamil Nadu Highways Department,

Krishnagiri.

7.The Superintendent of Police,

Krishnagiri.

8.Tamilselvi

Respondents

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Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents 2 to 7 to consider the petitioner's representation dated 01.12.2016 and consequently forbear the respondents 2 to 7 from issuing No Objection Certificate to the 8th respondent to establish petrol bunk in Survey No.31/1A4B, Dasegonipalli Village, Veppanapalli, Krishnagiri Taluk and District.

For Petitioner : Mr.R.Gandhi, Senior Counsel
for Mr.R.G.Narendhiran

For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader (R2 to

R7)

R1 & R8 - no appearance

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus directing the respondents 2 to 7 to consider the petitioner's representation dated 01.12.2016 and consequently forbear the respondents 2 to 7 from issuing No Objection Certificate to the 8th respondent to establish petrol bunk in Survey No.31/1A4B, Dasegonipalli Village, Veppanapalli, Krishnagiri Taluk and District.

2.According to the petitioner, the 8th respondent is taking steps to obtain No Objection Certificate from the respondents 2 to 7 to establish a new petrol bunk in the lands in Survey No.31/1A4B. The said petrol bunk will be the outlet of the Oil Company by name ESSAR. Further, according to the petitioner, they are the dealers of Indian Oil Corporation and the petrol bunk is established in the lands in Survey No.31/4B. According to the petitioner, the Survey No.31/1A4B where the 8th respondent is intending to establish the petrol bunk is surrounded by houses, two Matriculation Schools and also a Hospital within a distance of 150 meters. In these circumstances, the petitioner gave a representation to the respondents 2 to 7 to forbear them from issuing No Objection Certificate to the 8th respondent to establish the petrol bunk in the said land.

3.Mr.R.Gandhi, the learned senior counsel appearing for the petitioner submitted that the respondents 2 to 7 may be directed to consider the petitioner's representation and also give an opportunity of personal hearing to the petitioner while considering issuance of No Objection Certificate to the 8th respondent.

4.Mr.A.N.Thambidurai, the learned Special Government Pleader appearing for the respondents 2 to 7 submitted that the respondents may be directed to consider the petitioner's representation in accordance with law.

5.Having regard to the submissions made by the learned counsel on either side, I direct the respondents 2 to 7 to consider the petitioner's representation dated 01.12.2016 and also give an opportunity of personal hearing to the petitioner, while considering issuance of No Objection Certificate to the 8th respondent. After considering the objections of the petitioner, the respondents 2 to 7 are directed to pass orders in accordance with law.

6.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Union of India
Ministry of Petroleum & Natural Gas,
Shastri Bhavan, New Delhi - 110 001.
- 2.The District Collector,
Krishnagiri, Krishnagiri District.
- 3.The District Revenue Officer,
Krishnagiri, Krishnagiri District.
- 4.The District Fire Officer,
Krishnagiri, Krishnagiri District.
- 5.The District Health Officer,
Krishnagiri.
- 6.The Divisional Engineer,
Tamil Nadu Highways Department,
Krishnagiri.
- 7.The Superintendent of Police,
Krishnagiri.

+ 1 cc to Mr.R.G. Narendhiran, Advocate Sr.24241

+ 1 cc Government Pleader SR.24680

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SSI (CO)
Eu 25.4.17