

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 15.09.2017****CORAM****THE HONOURABLE MR.JUSTICE M.DHANDAPANI****W.P.No.39061 of 2004****And****W.P.M.P.No.46585 of 2004**

1.Mahe Beach Trading Company
rep. by K.M.Abdul Gafoor (deceased)

2.K.E.Rehmath
3.K.E.Noushad
4.K.E.Regina
5.K.E.Reesha

(P2 to P5 substituted petitioners in the place of deceased petitioner as per the order dated 26.02.2010 in W.P.M.P.No.817 of 2009 in W.P.No.39061 of 2004) ... Petitioners

Vs.

1.The Executive Engineer,
Public Works Department,
Mahe, Pondicherry.

2.The Assistant Engineer (R&W),
Public Works Department,
Mahe, Pondicherry.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent in his proceedings No.98/PW/R&W/04.05.597 dated 25.10.2004 and quash the same and direct the respondent to

abstain from blocking the 36 meters entry and exit to the Petroleum outlet of the petitioner at Poozhithala, Mahe carried on in the name and style of "Mahe Beach Trading Company", by construction of a buffer strip in front of the outlet.

For Petitioner : Mr.K.Raja Srinivas

For Respondents : Mr.B.Nambi Selvan

Additional Government Pleader (Pondy)

ORDER

The petitioner is challenging the order dated 25.10.2004, wherein, the second respondent directed the petitioner to lower the level and to provide drainage facilities as per the norms of MORTH vide order dated 17.10.2003.

2.The Government of India, Ministry of Road Transport and Highways issued a direction to the Project Chief Engineers, Ministry of Road Transport and Highways, whereby, the Petroleum Products Establishment retail outlets in Mahe region are located above the road level without any arrangements thereby the diesel contaminated water is found let out in the National Highways and the same is violation of the agreement conditions. If diesel contaminated water is flown on the road, it will affect the road transportation. Accordingly, the Public Works Department, Mahe, vide notice dated 25.10.2004, issued a direction to the petitioner to comply the conditions imposed by Ministry

of Road Transport and Highways dated 17.10.2003, against which, the present writ petition is filed.

3.The learned counsel appearing for the petitioner on instructions would submit that the petitioner complied with the conditions imposed in the impugned notice.

4.In view of the above, the writ petition is closed. No costs. Consequently, the connected miscellaneous petition is also closed.

15.09.2017

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Speaking Order/ Non Speaking Order

Index: Yes/ No

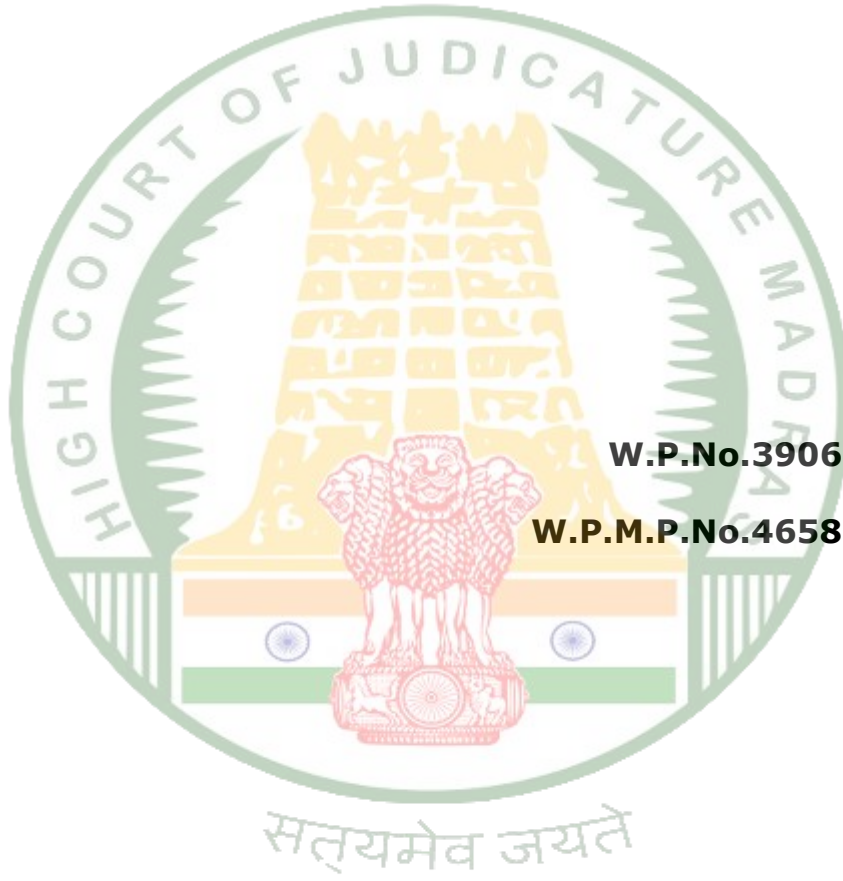
Internet: Yes/ No

To

1.The Executive Engineer,
Public Works Department,
Mahe, Pondicherry.

2.The Assistant Engineer (R&W),
Public Works Department,
Mahe, Pondicherry.

M.DHANDAPANI,J.
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