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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.14347 of 2017

and

W.M.P. (MD) .No.11238 of 2017

K.Deivendran

.. Petitioner

Vs.

1.The District Collector,
Collector Office,
Sivagangai,
Sivagangai District.

2.The District Revenue Officer,
Office at Collectorate,
Sivagangai.

3.The Tahsildar,
Tahsildar Office,
Manamadurai,
Sivagangai District.

4.Sasibala

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the official respondents 1 to 3 herein to remove the petrol bunk outlet, permission is given newly in the name of the fourth respondent in S.No.79/2B situated at Madurai to Rameswaram Four Way Road in Sangamangalam Village, nearby Kelapasalai Road left side, Manamadurai Taluk, Sivagangai District and consequently directing the respondent to shift it to any other suitable and proper place.

For petitioner

: Ms.K.Abiya

For respondents 1 to 3

: Mr.M.Govindan

Special Government Pleader

O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The petitioner filed this Writ Petition in *pro bono publico* for a direction to the respondents 1 to 3 to remove the retail outlet owned by the fourth respondent and located at Survey No.79/2B, Madurai to Rameswaram Four Way Road, Sangamangalam

Village, Manamadurai Taluk, Sivagangai District.

2. There is no question of opening a retail outlet of petroleum products by the fourth respondent, unless no objection certificate is given by the District Magistrate and Explosive license by the Controller of Explosives. The petitioner, by pleading ignorance of the statutory clearance obtained by the fourth respondent, filed this Writ Petition for shifting the outlet in question. There is no question of issuing a Mandamus for shifting the outlet, unless and until the statutory license given to the fourth respondent is cancelled in the manner known to law. We do not find any element of public interest involved in this Writ Petition.

3. In the upshot, we dismiss the Writ Petition. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To:

- 1.The District Collector,
Collector Office,
Sivagangai,
Sivagangai District.
- 2.The District Revenue Officer,
Office at Collectorate,
Sivagangai.
- 3.The Tahsildar,
Tahsildar Office,
Manamadurai,
Sivagangai District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.70263

+1cc to M/s.K.ABIYA Advocate in SR. No.69611

NB

JS/GT/SAR.3/17.08.2017/ 2P-6C

ORDER MADE IN
W.P. (MD) No.14347 of 2017
02.08.2017