

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2018

CORAM

THE HON'BLE Mr. JUSTICE K.RAVICHANDRABAABU

W.P.No.31082 of 2017

and

W.M.P.No.34084 of 2017

S.Vediyappan

... Petitioner

Vs.

1. The District Revenue Officer,
Dharmapuri District,
Collectorate Building,
Salem Main Road,
Dharmapuri - 636 705.
2. The Tahsildar,
Pappireddipatti Taluk Office,
New Building,
Pappireddipatti Main Road,
Dharmapuri District - 636 905.
3. The Divisional Engineer,
(Construction and Maintenance)
Highways Department,
Opposite Collectorate,
Dharmapuri - 636 705.
4. The Deputy Director,
Tamil Nadu Government Public Health and
Family Welfare,
Health Department,
Collectorate campus,
Dharmapuri - 636 705.
5. The Joint Chief Controller of Explosives,
A and D Wing, Block 1-8, 2nd Floor,
Shastri bhavan,
No.26, Haddows Road, Nungambakkam,
Chennai - 600 034.

6. The Superintendent of Police,
O/o the Superintendent of Police,
Bharathipuram,
Dharmapuri - 636 705.

7. M/s. Essar Oil Limited,
5th Floor, Chennai House,
No.7, Esplanade,
Chennai - 600 108.

8. M.Tamilmani

(8th respondent impleaded as
per order dated 13.2.2018 by KRCBJ
vide WMP.No.241/2018 in WP.31082/2017) ... Respondents

This writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to forbear the 1st respondent from granting No Objection Certificate to the 7th respondent for putting up a New Road-side Petroleum retail outlet at S.No.95/2A1B, Venkatasamudiram Village, Pappireddipatti Taluk, Dharmapuri District, pending disposal of the petitioner's representation dated 11.11.2017 and consequently direct the 1st respondent to dispose of the petitioner's representation dated 11.1.12017 after offering a personal hearing to the petitioner, within a time frame to be fixed by this Court.

For Petitioner : Mr.V.B.R.Menon

For Respondents : Mr.D.Suriyanarayanan,
Additional Government Pleader
for R1 to R4 and R6
Mr.S.Sathish Rajan, CGSC for R5
Mr.M.Venkadeshnan for R7
Mr.J.Bharathiraja for R8.

O R D E R

The petitioner seeks for a Mandamus to the 1st respondent from granting No Objection Certificate to the 7th respondent for putting up a New Road-side Petroleum retail outlet at S.No.95/2A1B, Venkatasamudiram Village, Pappireddipatti Taluk, Dharmapuri District, pending disposal of the petitioner's representation dated 11.11.2017 and consequently direct the 1st respondent to dispose of the petitioner's representation dated 11.1.12017 after affording an opportunity of personal hearing to the petitioner.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the official respondents, the learned Central Government Standing Counsel appearing for the 5th respondent, the learned counsel appearing for the 7th respondent and the learned counsel appearing for the 8th respondent.

3. The 7th respondent is the Oil Company and the 8th respondent is the proposed dealer. The petitioner is aggrieved against the proposed location of the petroleum outlet at the above said property. Therefore, the petitioner made an objection before the first respondent on 11.11.2017 against the grant of No Objection Certificate in favour of the 7th and 8th respondents. This Court, at this stage is not expressing any view on the merits of the matter as it is for the 1st respondent to consider and decide. It is admitted by both sides that personal hearing was already given by the 1st respondent to all the parties concerned. Therefore, the 1st respondent has to pass order on merits and in accordance with law. Accordingly, the writ petition is disposed of by directing the 1st respondent to pass the final order on merits and in accordance with law on the objections raised by the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vsi

To

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Chennai - 600 034.
6. The Superintendent of Police,
O/o the Superintendent of Police,
Bharathipuram,
Dharmapuri - 636 705.

+1cc to Mr.V.B.R.Menon, Advocate, S.R.No.10831
+1cc to Mr.S.Sathish Rajan, Advocate, S.R.No.10885
+1cc to Mr.J.Bharathi, Advocate, S.R.No.11205

W.P.No.31082 of 2017

NRK (CO)
RRK (16/02/2018)

सत्यमेव जयते

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