

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.08.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26608 of 2017

and

W.M.P.Nos.28319 & 28320 of 2017

A.R.Nandagopal
President & Founder Trustee
Arulmighu Sree Kaatu Ayyanar Koil Trust,
No.1, Yamunai Street, Dhanalakshmi Nagar,
(Near Railway Gate)
Arakandanallur,
Villupuram District. ..Petitioner

vs

- 1.The District Collector,
Villupuram District.
- 2.The District Revenue Officer,
Villupuram District.
- 3.The Revenue Divisional Officer,
Thirukovilur.
- 4.The Tahsildar,
Thirukovilur.
- 5.Sivagangai
- 6.M/s.Essar Oil Limited,
Essar House, 5th Floor, No.7, Esplanade,
Chennai - 600 108

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the order of the 2nd Respondent NOC, dated 25.05.2017 in ref.C5/16622/2016, and quash the same.

For Petitioner : Mr.S.Mohanasundararajan
For Respondents : Mr.A.Ansar, GA for R1 to R4
Mr.R.Sagadevan for R5
No appearance for R6

O R D E R

The No Objection Certificate(NOC) issued by the 2nd respondent in proceedings dated 25.05.2017 in favour of the 6th respondent to commission a Petrol Bunk is under challenge in this writ petition.

2.The grievance of the writ petitioner is that the 5th respondent filed a Civil Suit in O.S.No.30 of 2016 for Mandatory injunction before the District Munsif Court, Thirukoilur. During the pendency of the Civil Suit between the 5th respondent and the writ petitioner, the District Revenue Officer, Villupuram, granted a No Objection Certificate(NOC) to construct a Petrol Bunk and proceed with the supply.

3.The learned counsel for the petitioner states that nearby the Petrol Bunk, the Temple premises are there and the writ petitioner is the Founder of the Temple and there is an apprehension of Safety and Security in respect of the Temple activities, more specifically, during the Festival seasons. However, the Safety and Security aspects are to be considered by the oil corporations and adequate measures are to be taken for Safety and Security of the people of that locality as well as the other aspects. However, it is left open to the oil corporations to inspect the premises and take appropriate measures to preserve the Safety and Security considering all factors prevailing in that locality. However, a mere pendency of a Civil Suit will not be a bar for the District Revenue Officer to issue a No Objection Certificate(NOC) to run the Petrol Bunk. If at all, the writ petitioner is aggrieved in respect of certain Safety and other aspects, an appropriate application shall be moved before the competent forum, wherein a Civil Suit is pending. However, there is no legal bar in respect of running a Petrol Bunk in that locality. Thus, it is for the parties to ensure the Safety and Security of the people as well as the Temple, which is already in that area.

4.This being the principles, all the grievances of the writ petitioner shall be adjudicated in the pending Civil Suit and, as far as the present writ petition is concerned, the relief as such sought for to quash the No Objection Certificate(NOC) cannot be granted.

5.Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

kak

To

1.The District Collector,
Villupuram District.

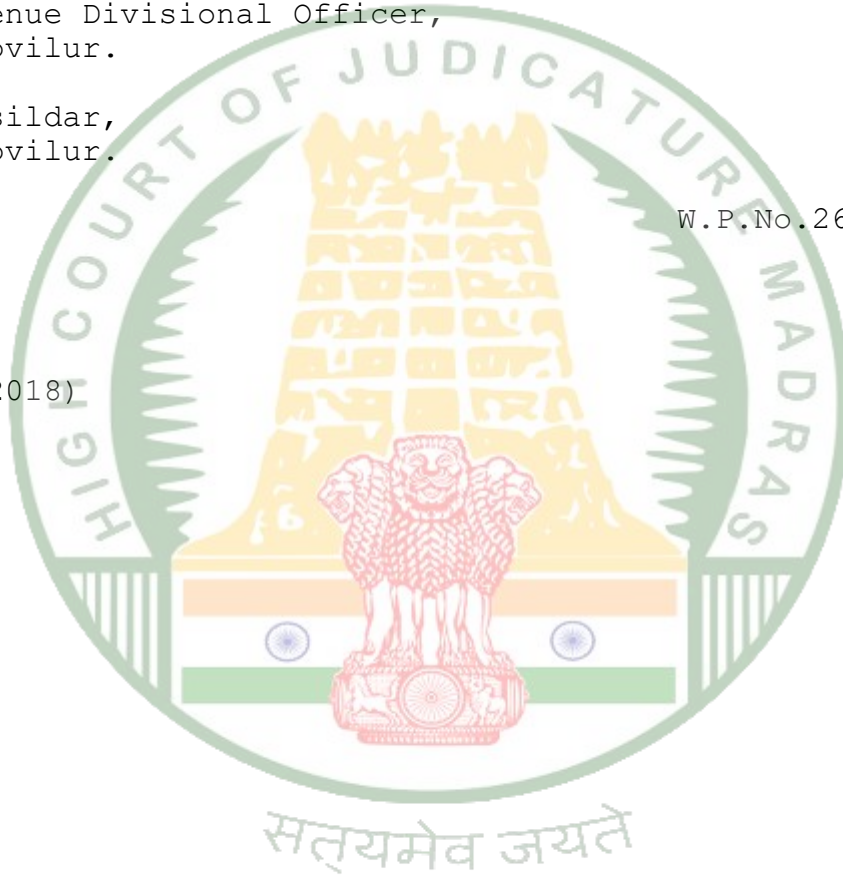
2.The District Revenue Officer,
Villupuram District.

3.The Revenue Divisional Officer,
Thirukovilur.

4.The Tahsildar,
Thirukovilur.

W.P.No.26608 of 2017

GN(31/08/2018)



WEB COPY