

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.05.2018

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W. P. NO.12710 of 2018
and W.M.P.14895 of 2018

K.Prabakaran

...Petitioner

Vs.

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The District Revenue Officer,
Tiruppur District,
Tiruppur.
3. The Tahsildar,
Madathukulam Taluk Office,
Madathukulam.
4. The Assistant Director (Town Panchayats)
District Collector Office,
Tiruppur.
5. The Executive Officer,
Komaralingam Town Panchayats,
Madathukulam Taluk,
Tiruppur District.
6. Territory Manager (Retail),
Bharath Petroleum Corporation Limited,
Coimbatore.

7. B.Kesavan

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents 1 to 4 herein to grant "No Objection Certificate" to the 7th respondent for the urban use of Agricultural Land in S.F.No.122/3A, Udumalpet road, Komaralingam Town Panchayat, Madathukulam Taluk, Tiruppur district before giving an opportunity of hearing the petitioner to place his objections by considering the petitioner's legal notice dated 24.02.2017 and subsequently to communicate the said order to the

petitioner.

For Petitioner : Mr. R. Prabakar
For Respondents : Mr. S.N.Parthasarathi,
Government Advocate

O R D E R

The prayer in the writ petition is for issuance of a writ of mandamus forbearing the respondents 1 to 4 herein to grant "No Objection Certificate" to the 7th respondent for the urban use of Agricultural Land in S.F.No.122/3A, Udumalpet road, Komaralingam Town Panchayat, Madathukulam Taluk, Tiruppur district before giving an opportunity of hearing to the petitioner to place his objections by considering the petitioner's legal notice dated 24.02.2017 and subsequently to communicate the said order to the petitioner.

2. The petitioner's averment in the affidavit is that the 6th respondent herein has proposed to offer the 7th respondent a Retail Outlet Dealership of Bharath Petroleum Corporation Limited to be operated at S.F.No.122/3A, Udumalpet Road, Komaralingam Town Panchayat, Madathukulam Taluk, Tiruppur District, which is an agricultural fertile land having various crops like Sugarcane and Coconut trees. The 6th respondent without considering the fact that the 7th respondent is illegally proposed to construct a retail outlet in an agricultural land is ready to offer the dealership to the 7th respondent. The 7th respondent is taking steps to obtain "No objection Certificate" from the respondents 1 to 3. Aggrieved by the same, the petitioner has sent a legal notice to the respondents 2 to 5 on 24.02.2017 raising objection that the "No Objection Certificate" should not be issued to the 7th respondent stating that the grant of the same is illegal for the urban use of agricultural land. The same will affect the petitioner's petroleum outlet business, which he is running in a lawful manner in the name of his wife, nearer to the subject matter land. But, the said legal notice was not considered by the respondents 2 to 4 till date. He would also submit that the 7th respondent for his illegal construction of the petroleum outlet formed a syndicate and joined with all other respondents behind his back and the petitioner seeks for an interim injunction against any move by the respondents.

3. Heard the counsels for both parties and perused the materials on records.

5. Considering the above facts stated in the affidavit it is clear that the petitioner has abused the process of law by filing this writ petition. No cause of action has arisen for the petitioner to raise this issue and the present writ petition is filed merely because the petitioner will be affected if the "No Objection Certificate" is granted to the 7th respondent as the petitioner is also running a petrol bunk adjacent to the land of the 7th respondent. That being so, no valid reason has been stated in the affidavit as to how his own petrol bunk is affected which is situated adjacent to the 7th respondent's land who has proposed to install a new petroleum outlet. In the above said circumstances, the prayer of the the petitioner seeking a mandamus forbearing the respondents 1 to 4 for grant of "No Objection Certificate" to the 7th respondent is nothing but to curtail another person's livelihood with an ulterior motive for his own benefit. Apart from this, the petitioner has sent a legal notice dated 24.02.2017 to the respondents which is sent long back i.e., one year and 3 months before. The petitioner had squatted on the notice for such a long time and he had not made any step seeking legal remedy earlier. Now it is moved before the Vacation Court which is meant only for filing emergency and urgent petitions and not for such case which is vexatious in nature. The averments of the petitioner cannot be accepted. Under these circumstances, this Court is of the view that the petitioner has not come to this Court with clean hands and wasted the Court time. The petitioner should not indulge in such activity in future.

5. Accordingly this writ petition stands dismissed. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Tiruppur District,
Tiruppur.

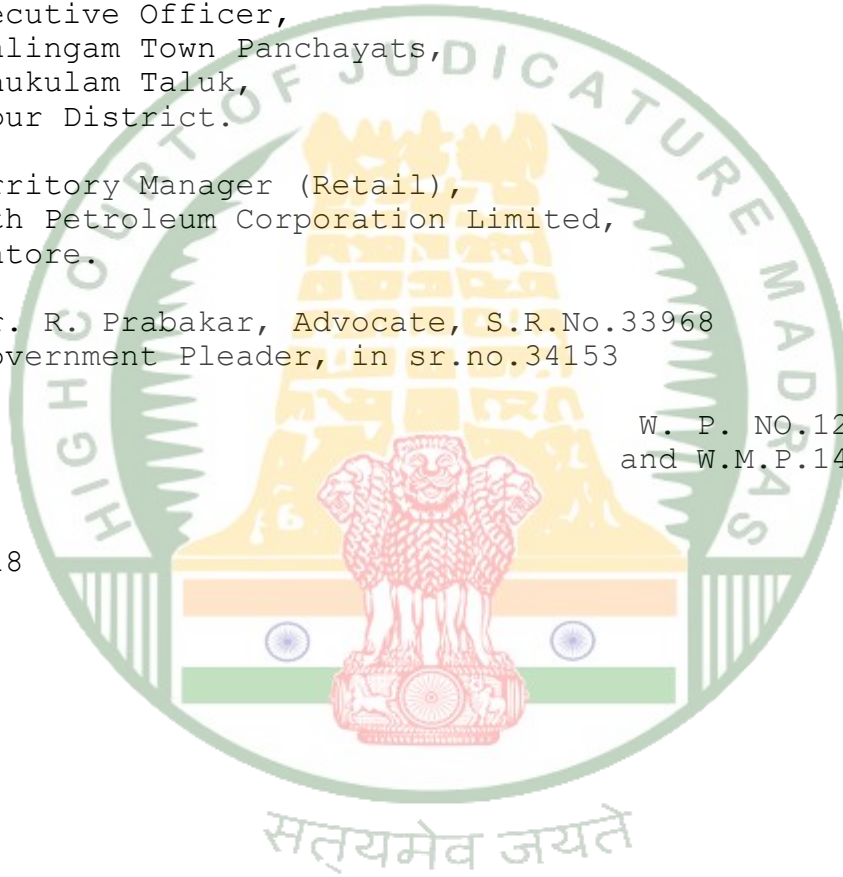
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2. The District Revenue Officer,
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6. The Territory Manager (Retail),
Bharath Petroleum Corporation Limited,
Coimbatore.

+1cc to Mr. R. Prabakar, Advocate, S.R.No.33968
+1cc to Government Pleader, in sr.no.34153

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SKS (CO)
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