

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.1372 of 2018

and

WMP.No.1743 of 2018

P.Selvaraju

S/o.Pooviya Gounder

.. 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
No.9A, Railway Station Road,
Dharmapuri - 636 701.
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.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, forbear the 1st respondent from granting NOC to the 7th respondent for putting up a new road side petroleum retail outlet at S.No.25/1B1, 061-A, Pallipatti Revenue Village, Pappireddipatti Taluk, Dharmapuri District-636 905, pending disposal of the petitioner's representation dated 28.12.2017 and consequently, to direct the 1st respondent to dispose off the petitioner's representation dated 28.12.2017 after offering a personal hearing to the petitioner, within a time frame.

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

For Respondents : Mr.R.Govindasamy
Special Government Pleader for R1 to R6

O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents for R1 to R6. Since this writ petition is being disposed of, without affecting the interest of the seventh respondent in any manner, notice to the seventh respondent is dispensed with.

2. The petitioner seeks for a mandamus, forbearing the first respondent from granting "No Objection Certificate" to the seventh respondent for putting up a new road side petroleum retail outlet at S.No.25/1B1, 061-A, Pallipatti Revenue Village, Pappireddipatti Taluk, Dharmapuri District-636 905 and consequently, seeking for a direction to the first respondent to dispose of his representation dated 28.12.2017, wherein and whereby he requested the first respondent not to issue "No Objection Certificate" to the seventh respondent for locating the petroleum retail outlet.

3. It is stated that the seventh respondent is going to locate the petroleum retail outlet at the site in dispute, in which the petitioner has an objection and consequently, the petitioner has made a representation on 28.12.2017, to the first respondent requesting not to issue "No Objection Certificate" in favour of the seventh respondent for locating such petroleum outlet. It is stated that the said representation is still pending before the first respondent. Therefore, it is for the first respondent to consider the said representation of the

petitioner and pass orders on the same, on merits and in accordance with law, after giving due opportunity of hearing to the petitioner as well as the seventh respondent.

4. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner against the proposed location, as it is for the first respondent to consider and decide the said issue. Accordingly, this writ petition is disposed of, only with a direction to the first respondent to consider the said representation of the petitioner dated 28.12.2017 and pass orders on the same, on merits and in accordance with law, after hearing the petitioner as well as the seventh respondent. Such exercise shall be done by the first respondent within a period of four weeks from the date of receipt of a copy of this order, if the said representation has not been disposed of, so far. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The District Revenue Officer
Dharmapuri District
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Dharmapuri - 636 705.
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Pappireddipatti Taluk Office
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4. The Deputy Director
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Health Department
No.9A, Railway Station Road,
Dharmapuri - 636 701.

5. The Joint Chief Controller of Explosives
A and D Wing, Block 1-8, 2nd Floor
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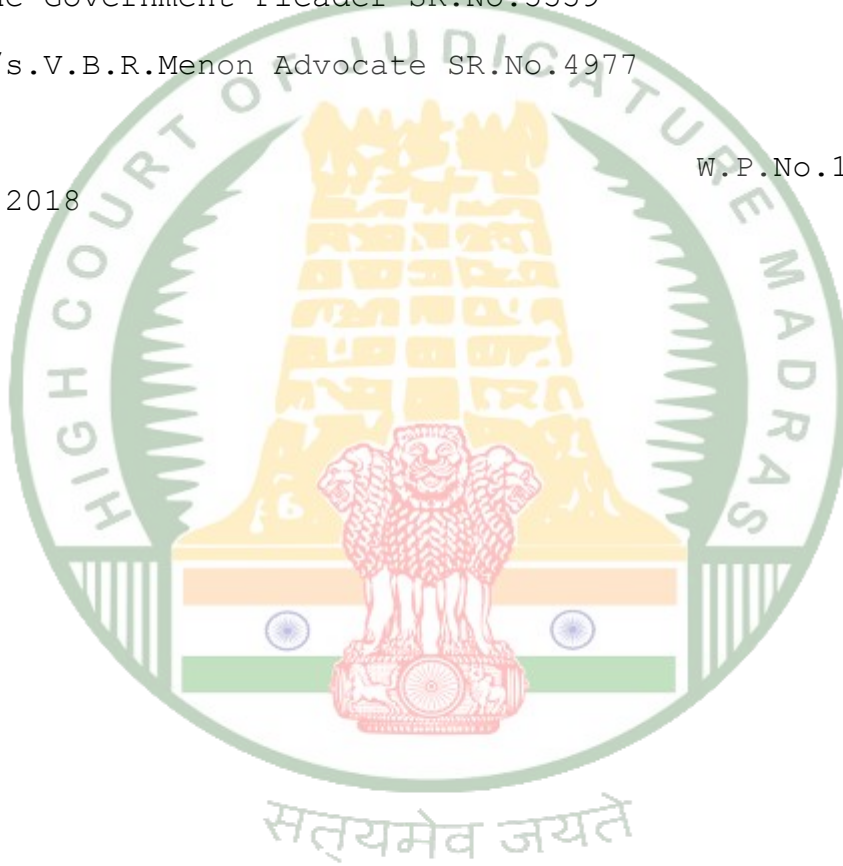
6. The Superintendent of Police
O/o. The Superintendent of Police
Bharathipuram
Dharmapuri - 636 705.

+1cc to the Government Pleader SR.No.5559

+1cc to M/s.V.B.R.Menon Advocate SR.No.4977

SDR 07.02.2018

W.P.No.1372 of 2018



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