



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.2664 of 2018

in

W.M.P(MD) Nos.2850 and 2851 of 2018

K.Packiaraj

... Petitioner

Vs.

1.The Indian Oil Corporation Limited,
Rep. by its Executive Director,
Tamil Nadu State Office,
No.139, Nungambakkam High Road,
Chennai.

2.The Senior Divisional Retail Sales Manager,
Indian Oil Corporation Limited,
Madurai Divisional Office,
No.2, Race Course Road,
Chokkikulam, Madurai,
Madurai District.

3.The District Revenue Officer
/Additional District Magistrate,
Ramanathapuram,
Ramanathapuram District.

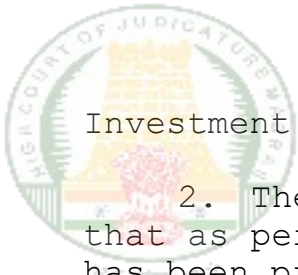
...Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent in his proceedings in L.Dis.(C2)/25717/2017 dated 11.01.2018 and quash the same as illegal and consequentially to direct the third respondent to issue No Objection Certificate for setting up of New Indian Oil Petrol/Diesel Regular Retail Outlet at Peravur to Devipattinam on NH 210 under Survey No.408/4A, 408/4B2, Devipattinam Village, Ramanathapuram Taluk, Ramanathapuram District. Within the period that may be stipulated by this Court.

For Petitioner	: Mr.Ajmal Khan Senior Counsel for Ajmal Associates
For R1- and R-2	: Mr.K.Muraleedharan,
For R3	: Mr.J.Gunaseelanmuthiah Additional Government Pleader

ORDER

The petitioner's request for issuance of No Objection Certificate of setting up of New Indian Oil Petrol/Diesel Regular Retail Outlet has been rejected by the third respondent herein on the ground that there is a proposal for acquiring the lands Survey No.408/4A, 408/4B2 at Devipattinam Village under the National



Investment and Manufacturing Zone (NIMZ) Scheme.

2. The third respondent in his counter affidavit has stated that as per records and filing inspection, the lands and acquisition has been proposed be acquired.

3. In my view, mere proposal can not be a bar for the respondent to issue a No Objection Certificate, Unless and until the lands are notify to be acquired, it can be assured that the acquisition process can been commenced mere proposal will not amount to a acquisition function commenced and therefore, the third respondent may not be justified in denying No Objection Certificate to the petitioner.

4. In the result, the impugned order passed by the third respondent in his proceedings in L.Dis.(C2)/25717/2017, dated 11.01.2018 is set aside. Consequently, the third respondent is directed to issue No Objection Certificate, if the petitioner is otherwise qualified. Such an exercise shall be done within a period of one week from the date of receipt of a copy of this order.

5. Accordingly, this Writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The District Revenue Officer
/Additional District Magistrate,
Ramanathapuram,
Ramanathapuram District.

+1CC to M/s.Ajmal Associates Advocate in SR.No.73109.

+1CC to Mr.K.Muraleedharan Advocate in SR.No.72945.

+1CC to Special Government Pleader in SR.No.73044.

DAS/AKV

DS/SKN/SAR-1 :26.07.2018: 3P/5C

W.P. (MD) No.2664 of 2018
in

W.M.P (MD) Nos.2850 and 2851 of 2018
13.07.2018