

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.05.2019

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.13701 of 2019 and
W.M.P.No.13769 of 2019

V.Gopinath

... Petitioner

-vs-

- 1.The District Revenue Officer,
Tiruppur District,
Collectorate Building,
Palladam Road,
Tiruppur - 641 604.
- 2.The Tahsildar,
Tiruppur North Taluk,
No.157, Kumaran Road,
Valipalayam,
Tiruppur - 641 601.
- 3.The Joint Chief Controller of Explosives,
A and D Wing, Block1-8,
Shastri Bhavan,
No.26, Haddows road,
Nungambakkam,
Chennai - 600 006.
- 4.The Divisional Engineer,
(Construction and Maintenance),
Highways Department,
Collectorate Building,
Tiruppur - 641 604.
- 5.The Deputy Director of Health Services,
No.471, Bharathi Commercial Complex,
Near Bungalow Stop, Avinashi road,
Tiruppur - 641 604.
6. The Executive Engineer,
Public Works Department (WRO),
Avinashi road,
Behind Camp Office,
Tiruppur - 641 601.

7.The Superintendent of Police,
District Police Office,
Angeripalayam main road,
Tiruppur - 641 603.

8.The District Fire Officer,
Tiruppur Division No. 19,
Kumar Nagar,
Tiruppur - 641 603.

9.M/s.Shell India markets Private Limited,
Plot No.7, Bangalore Hardware Park,
Shell Technology Centre,
Devanahalli Industrial Park,
Mahadeva Kodigehalli,
Bengaluru - 56214.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to permanently forbear the respondents from issuing No Objection Certificate (NOC), Explosive Licence and other necessary approvals / permissions / consents to the 9th respondent for open and operate a new road-side Petroleum Retail Outlet at SF No. 283A, Thottipalayam Village, Tiruppur North Taluk, Tiruppur District - 641 603.

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

For Respondents: Mr.R.Govindasamy,
1 to 8 Government Advocate

O R D E R

The Petitioner has filed this Writ Petition, seeking to forbear the respondents from issuing No Objection Certificate (NOC), Explosive Licence and other necessary approvals / permissions / consents to the 9th respondent to open and operate a new road-side Petroleum Retail Outlet at S.F.No.283A, Thottipalayam Village, Tiruppur North Taluk, Tiruppur District.

2. In this Writ Petition, though the petitioner has sought for a larger relief, he has restricted his prayer to the extent of disposal of his representation dated 02.04.2019. Therefore, notice to the 9th Respondent is dispensed, as this Court is of the view that no prejudice is going to be caused to the 9th respondent and an opportunity of hearing will be provided to the 9th respondent, while disposing of the representation of the Petitioner by the concerned Authority.

3. Even though, several points have been raised by the petitioner, this Court is not inclined to go in depth, as it is for the Authority concerned to take a decision with regard to giving No Objection Certificate (NOC), Explosive Licence and other necessary approvals, permissions, consents to the 9th respondent to open and operate a new road - side petroleum retail outlet at SF.No.283A, Thottipalaym village, Tiruppur.

4. The main grievance of the petitioner is that the place selected by the 9th respondent cannot be used for running a petroleum retail outlet, as it is in the prohibited area and more so, on the river bed. Since there are disputed question of facts, the concerned Authorities will have to look into the matter and come to a conclusion after hearing the petitioner and the 9th respondent.

5. The learned Government Advocate has produced a communication dated 08.05.2019 sent by the Tahsildar, Tiruppur (North) addressed to him, wherein it has been stated by the Tahsildar that the Application has been given by the 9th respondent for the purpose of having a petroleum retail outlet and that there is an objection raised by the petitioner, which is the subject matter of this writ petition and therefore, only after proper inspection and ensuring that the place is not located in a prohibited area, suitable decision will be taken thereon.

6. In view of the same, the concerned Authority is directed to conduct an enquiry so as to find out the viability of the place for setting up the Petrol outlet in the place in question and take a decision, after providing an opportunity of hearing both to the Petitioner and the 9th respondent within a period of one month from the date of commencement of the enquiry. The decision taken thereon shall be submitted to the First Respondent / District Revenue Officer in the form of Report, by marking a copy of it to the petitioner and the 9th respondent. It is made clear that the Petitioner and the 9th Respondent shall appear in-person before the concerned Authority and furnish all the documents in support of their respective plea.

7. With the above direction, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(V/O)

//True Copy//

Sub Assistant Registrar

To

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8.The District Fire Officer,
Tiruppur Division No. 19,
Kumar Nagar,
Tiruppur - 641 603.

+1cc to the Government Pleader sr.43634
+1cc to Mr.V.B.R.Menon, Advocate Sr.43574

W.P.No.13701 of 2019

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