

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 01.10.2019
CORAM
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU
W.P. No. 25888 of 2019
and
W.M.P. No. 25339 of 2019

1. C. Marappan

2. P. Kaveri

... Petitioners

Vs.

1. The Divisional Engineer,
Highways,
Construction & Maintenance,
Edappadi 637 105,
Salem District.

2. The Assistant Divisional Engineer,
Highways,
Construction & Maintenance,
Mettur,
Salem District.

3. The Assistant Engineer,
Highways,
Construction & Maintenance,
Mettur,
Mettur Taluk,
Salem District.

4. The Hindustan Petroleum Corporation Ltd.,
Rep. By Chief Regional Manager,
Salem Retail Region,
G.K. Towers, 1st Main Road,
New Fairlands,
Salem - 16.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First to Third Respondents to provide way to access by removing parapet wall so as to enable the Petitioners for entering their Retail outlet (Fuel Station) established in S.No. 798/1 (Karungallur to Palavadi on MDR) of Karungallur Village, Mettur Taluk, Salem District by considering No

Objection Certificate (NOC) issued by the Additional District Magistrate and District Revenue Officer, Salem dated 24.12.2018 forthwith. (Prayer amended as per order dated 01/10/19 made in WMP.28596/19 made in WP.No.25888/19)

For Petitioners: Mr. M. R. Jothimanian

For Respondents: Mr. M. Karthikeyan,
Additional Government Pleader (For R1 to R3)

Mr. M. Vijayan,
for M/s. King & Patridge for R4

O R D E R

The Writ Petition, as per the amended prayer has been filed, for a direction to the First to Third Respondents to provide way to access by removing parapet wall so as to enable the Petitioners for entering their Retail outlet (Fuel Station) established in S.No. 798/1 (Karungallur to Palavadi on MDR) of Karungallur Village, Mettur Taluk, Salem District by considering No Objection Certificate (NOC) issued by the Additional District Magistrate and District Revenue Officer, Salem dated 24.12.2018 forthwith.

2. Learned Additional Government Pleader appearing for the First to Third Respondents, on instructions, states that an order dated 27.09.2019 has been issued, after inspection of the premises, in which it has been Stated as follows:-

"1. The length of parapet wall to be removed should be minimum and will be decided during the joint inspection of highways department and M/s. Hindustan Petroleum Corporation Ltd.,

2. The owner of the premises at this location has encroached land belongs to highways department to an extent of approximately 200 Square metre in front of his land, and this encroached portion is filled by earth by this land owner. This encroachment made by the land owner in the highway land should be removed and filled earth also should be removed at his own cost.

3. The permission is given for only removal of parapet for giving access to your premises at this location.

4. The approval of approach road, will be issued only if the fuel retail outlet at this location satisfies the guidelines laid for access to fuel station as per IRC - 12, 2009."

3. Learned Counsel appearing for the Petitioners and the Fourth Respondent acknowledge the receipts of the said order and submit that the conditions imposed by the Respondents in the aforesaid letter would be complied by them and thereafter, the First to Third Respondents may proceed to carry out further action in accordance with the terms of that order.

4. Recording the aforesaid submissions made, the Writ Petition is disposed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Divisional Engineer,
Highways,
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Edappadi 637 105,
Salem District.
2. The Assistant Divisional Engineer,
Highways,
Construction & Maintenance,
Mettur,
Salem District.
3. The Assistant Engineer,
Highways,
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Mettur,
Mettur Taluk,
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4. The Hindustan Petroleum Corporation Ltd.,
Rep. By Chief Regional Manager,
Salem Retail Region,
G.K. Towers, 1st Main Road,
New Fairlands,
Salem - 16.

+1cc to Mr. M. R. Jothimanian, Advocate sr.84143
+1cc to M/s. King & Patridge, Advocate sr.84635

W.P. No. 25888 of 2019

vgi(co)
nr 11/10/2019