



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2018

CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs. JUSTICE R.THARANI

W.A. (MD) .No.1273 of 2018

and

C.M.P. (MD) No.8945 of 2018

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

: Appellant/3rd Respondent

Vs.

1.K.Packiaraj

2.The Indian Oil Corporation Ltd.,
Rep. By its Executive Director,
Tamil Nadu State Office,
No.139, Nungambakkam High Road,
Chennai.

: Respondent/Writ Petitioner

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

: Respondents 2&3/Respondents 1&2

PRAYER: This appeal is filed under Clause 15 of the Letters Patent, to set aside the impugned order dated 13.07.2018 made in W.P. (MD) No.2664 of 2018 on the file of this Court.

Prayer in WP (MD) . 2664/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 3rd respondent in his proceedings in L.Dis.(C2)/25717/2017 dated 11/01/2018 and quash the same as illegal and consequently to direct the 3rd respondent to issue No Objection Certification 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, Ramanathapura Dt within the period.



For Appellant
For Respondent No.1
For Respondents 2 and 3

: Mr.M.Murugan, GA
: Mr.C.Venkatesh Kumar,
For M/s.Ajmal Khan
: Mr.K.Muralidharan

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JUDGMENT

(Judgment of the Court was delivered by **T.S.SIVAGNANAM, J**)

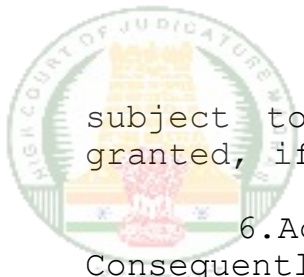
Heard Mr.M.Murugan, learned Government Advocate appearing for the appellant, Mr.C.Venkatesh Kumar, learned counsel appearing for the first respondent and Mr.K.Muralidharan, learned counsel appearing for the respondents 2 and 3.

2.The District Revenue Officer is the appellant in this appeal and they have challenged the order passed in W.P.(MD)No.2664 of 2018 dated 13.07.2018, by which a direction has been issued to the appellant to issue No Objection Certificate so as to enable the first respondent to approach the Indian Oil Corporation Limited for allotment of petrol vending retail outlet.

3.The appeal has been filed on the ground that the land which has been earmarked for being acquired to set up a National Investment and Manufacturing Zone (NIMZ) Scheme at the cost of about Rs.6,00,00,00,00,000/- (Rupees Six Thousand Crores only) and the land is required for the said purpose. Admittedly, as on date, no land acquisition proceedings has been initiated to acquire the petitioner's land. If there is a proposal, it is always open to the appellant and the State Government to enter into private negotiations with the first respondent to purchase the land. However, the reason assigned by the appellant refusing to give No Objection Certificate on the ground of proposed NIMZ scheme is not tenable.

4.The learned counsel appearing for the first respondent on instructions submitted that his client is willing to give an undertaking that in the event, the land is required for such a public purpose, the land can be acquired. In the memorandum of grounds of review, it is stated that the Government of Tamil Nadu has issued G.O.(D)No.114 Industries (M.I.E.1) Department dated 31.07.2014 for establishment of NIMZ Scheme. Till date there has been no acquisition proceedings initiated. Therefore, rejection of the first respondent request for No Objection Certificate is not tenable.

5.In light of the above, we dispose of the appeal by slightly modifying the direction issued by the learned Writ Court by directing the first respondent/petitioner to file an affidavit before the appellant stating that in any event, the lands owned by the first respondent required for public purpose then, the land acquisition proceedings may be initiated for acquiring the land and



subject to the said condition, No objection Certificate can be granted, if there are no other legal impediments.

6. Accordingly, this Writ Appeal is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

mrn/NS

To

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

+1 CC to GP SR-90248.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate SR-90508.

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26.09.2018

CS (30.10.2019) 3P 4C