

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH  
AND  
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.5949 of 2020

V.K.Veeramalai

... Petitioner

Vs

- 1.The District Collector,  
Office of the District Collectorate,  
Namakkal District.
- 2.The District Revenue Officer,  
Office of the District Revenue Office,  
Namakkal District.
- 3.The Revenue Divisional Officer,  
Office of the Revenue Divisional Office,  
Namakkal District,  
Namakkal.
- 4.The Tahsildhar,  
Namakkal Taluk,  
Namakkal District.
- 5.The Senior Regional Manager,  
Bharat Petroleum Corporation Ltd.,  
Karur Region,  
Karur.
- 6.The Chief Manager,  
Bharat Petroleum Corporation Limited,  
No.1, 15<sup>th</sup> Main Road,  
Ranganathan Garden,  
Anna Nagar,  
Chennai - 600 040.

7.Chandra Sekar

... Respondents

Prayer : Writ Petition filed under 226 of the Constitution of India to issue a writ of mandamus directing respondents 1 to 6 to consider the objection made by the petitioner dated

16.01.2020 and to desist the further proceedings to grant permission for establishment of petrol pump retail outlet by the seventh respondent in Survey No.259, situate at Namakkal to Senthamangalam Road, Namakkal Town and Taluk forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.R.Vijayakumar, AGP  
for R1 to R4

ORDER

(Order of the Court was made by M.M.SUNDRESH,J)

Styling as pro bono litigation, this writ petition has been filed seeking a direction to respondents 1 to 6 to consider the objection made by the petitioner on 16.01.2020 from proceeding further to grant permission for establishment of petrol pump retail outlet by the seventh respondent.

2. The learned counsel appearing for the petitioner submitted that the petrol pump sought to be established by the private respondent, namely, the seventh respondent, is contrary to the Rules and Regulations.

3. The learned Additional Government Pleader appearing for respondents 1 to 4, on instructions, submitted that already a no objection certificate has been issued by the second respondent based upon the permission given by the sixth respondent.

4. We have perused the affidavit and the documents filed and heard the learned counsel appearing for the parties before us.

5. The main grievance of the petitioner is that the permission given is contrary to the Rule which would affect the functioning of the burial ground and the temple. We do not find any reason to accept the said contention. Even in the objection, the petitioner has made some references about the conduct of the private respondent way back in the year 2006. We are surprised to note as to how the petitioner came to know about the aforesaid information.

6. On a query, the learned Additional Government Pleader submits that the petitioner is not residing nearby. He has not also filed any such public interest litigation earlier.

7. We are quite surprised to know the interest of the petitioner in the establishment of petrol pump at the instance of the seventh respondent. Moreover, the petitioner has to challenge the no objection certificate given by the second respondent followed by the permission of the sixth respondent. Granting a writ of mandamus otherwise would not lie apart from the writ petition being not the one of public interest. In such view of the matter, we are inclined to dismiss the writ petition.

Writ Petition stands dismissed. No costs. Consequently, connected W.M.P.No.6971 of 2020 is closed.

Sd/-  
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssm  
To

- 1.The District Collector,  
Office of the District Collectorate,  
Namakkal District.
- 2.The District Revenue Officer,  
Office of the District Revenue Office,  
Namakkal District.
- 3.The Revenue Divisional Officer,  
Office of the Revenue Divisional Office,  
Namakkal District,  
Namakkal.
- 4.The Tahsildhar,  
Namakkal Taluk,  
Namakkal District.

+1cc to Mr.C.Prabakaran , Advocate SR.No. 20411  
W.P.No.5949 of 2020

NMI  
A.SK(28/07/2020)