

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.12.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.17415 of 2020
and
W.M.P.No.21603 of 2020
(Heard through VC)

S.Venkatesan

.. Petitioner

-vs-

1.The District Collector,
Tirupathur.

2.The District Revenue Officer,
Tirupathur District.

3.The Tahsildar,
Vaniambadi Taluk,
Tirupathur District.

4.The Divisional Officer,
Indian Oil Corporation Ltd.,
No.500, Anna Salai,
Teynampet,
Chennai - 600 018.

5.Anees Benazir

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the 1st and 2nd respondent herein permanently forbear to issuing No Objection Certificate to the 5th respondent to setup and operate a new petroleum retail outlet on Alangayam to Polur road at Tirupathur District based on the petitioner's representation dated 03.11.2020.

For Petitioner : Mr.K.V.Muthuvisakan
For RR1 to 3 : Mr.K.S.Suresh
Government Advocate

O R D E R

The writ petition has been filed seeking a direction to the respondents 1 and 2 herein permanently forbear to issuing No Objection Certificate to the 5th respondent to setup and operate

a new petroleum retail outlet on Alangayam to Polur road at Tirupathur District based on the petitioner's representation dated 03.11.2020.

2. The petitioner is a recognized petroleum products dealer of Bharat Petroleum Corporation Ltd. He commenced business in the name and style of M/s.Thirumalai Agencies. The petitioner came to know that the fourth respondent through fifth respondent has submitted an application to the second respondent and seeking No Objection Certificate to setup and operate a Petrol/Diesel outlet on Alangayam to Polur road at Tirupathur District. It is stated that the proposed site of the fourth respondent for the new petrol and diesel outlet does not comply with the mandatory "IRC" norms, as the proposed new fuel station of the fourth respondent is not more than 80 meters from the petitioner's existing fuel station. In this regard, the petitioner had sent a representation dated 03.11.2020 to the official respondents herein. Even after the said representation, the fourth and fifth respondents trying to influence the second respondent for getting No Objection Certificate. Hence, the petitioner is before this Court.

3. Heard the learned counsel appearing on both sides and perused the materials placed before this Court.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the second respondent to consider the representation of the petitioner dated 03.11.2020, enquire into the same and pass appropriate orders on merits and in accordance with law, after issuing notice to the petitioner as well as the fifth respondent herein and also any other person interested in this regard and by affording them an opportunity of personal hearing or virtual hearing or otherwise, considering their written objections and after verifying the relevant documents, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above directions, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The District Collector,
Tirupathur.

2.The District Revenue Officer,
Tirupathur District.

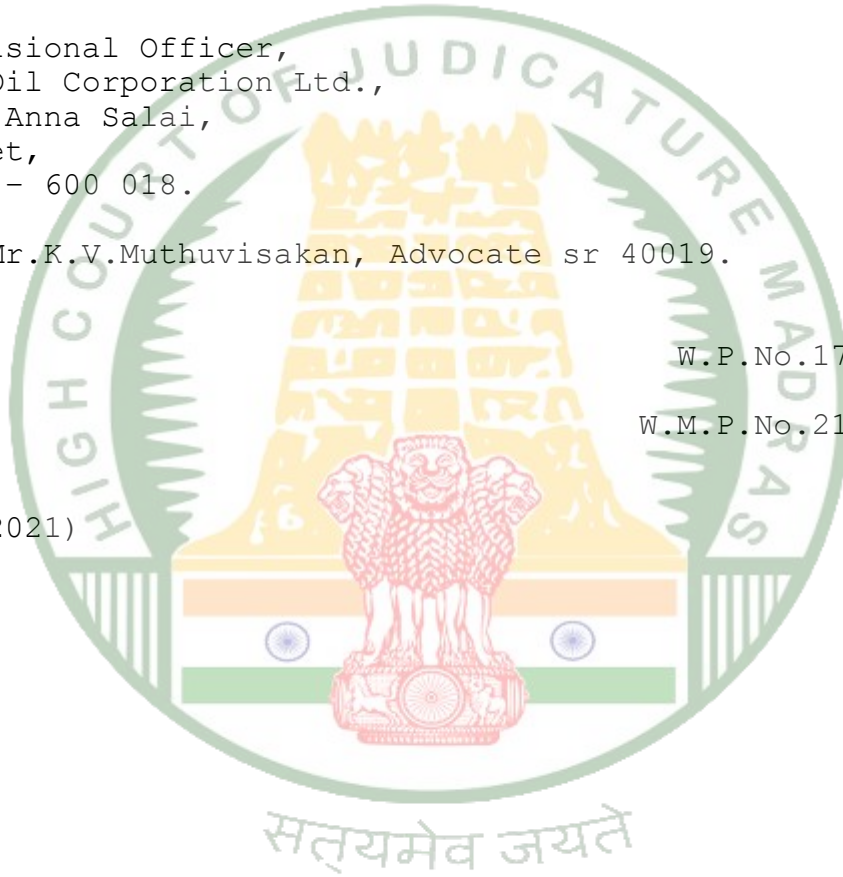
3.The Tahsildar,
Vaniambadi Taluk,
Tirupathur District.

4.The Divisional Officer,
Indian Oil Corporation Ltd.,
No.500, Anna Salai,
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+1 CC to Mr.K.V.Muthuvisakan, Advocate sr 40019.

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GP(CO)
SP(18/01/2021)



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