



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.10987 of 2020

and

W.M.P (MD)No.9635 of 2020

WEB COPY

Billy Graham
S/o Paulose
No.3/2014, Jesus Nagar, Meiyampuli,
Rameswaram, Rameswaram Taluk,
Ramanathapuram District,
Chairman
Help India Charitable Trust,
Rameswaram.

... Petitioner

Vs.

- 1.The Director,
Ministry of Petroleum and Natural Gas
Sahstri Bavan,
New Delhi - 110 001.
- 2.The Additional Chief Secretary
Highways and Minor Ports Department,
St. Jorge Fort,
Secretariat,
Chennai - 600 009.
- 3.The Regional Officer
Bharath Petroleum Corporation Ltd.,
No.37, Thiruparamkundram Road,
Pasumalai,
Madurai - 625 004.
- 4.The District Collector
Ramanathapuram District,
Ramanathapuram.
- 5.The District Revenue Officer
Ramanathapuram District,
Ramanathapuram.
- 6.The Joint Chief Controller of Explosives
A and D Wing, Block 1 - 8,
Shash Bhavan,
No.26, Haddows Road,
Nungambakkam,
Chennai - 600 006.



7.The Divisional Engineer
Construction and Maintenance,
Highways Department,
Travellers Bangalow Road,
Ramanathapuram.

8.The Deputy Director of Health Services,
Swami Vivekanandhar Salai (Kenikarai),
Ramanathapuram Town,
Ramanathapuram.

9.The District Fire Officer,
Bharathi Nagar,
Near India Supermarket
Ramanathapuram.

10.Manivannan

... Respondents

Prayer: Writ petition is 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 License and other necessary approvals/permissions/consent to the Tenth respondent to open and operate a new Road Site Petroleum Retail outlet at SF No.295/1A (Sub Division SF No.295/1A1B), Meiyampuli Village, Rameswaram Taluk, Ramanathapuram District.

For Petitioner : Mr.J.M.Hassanul Bazari
For Respondents 4 & 5 : Mrs.S.Srimathy,
Special Government Pleader

For 3rd Respondent : Mr.S.Nateshraj

For 6th Respondent : Mr.M.Ashokkumar
Central Government Standing Counsel

O R D E R

Heard the learned counsel appearing for the writ petitioner and learned Special Government Pleader appearing for the respondents 4 and 5 and learned Standing counsel appearing for Bharath Petroleum / third respondent and learned Central Government Standing counsel appearing for the sixth respondent.

2. The petitioner is running a School, he alleges that within the apprehended distance, the tenth respondent is putting up a Petrol / Diesel retail outlet. The learned Standing counsel states that though they are yet to issue license, the tenth respondent is a selected candidate and he has been issued with all necessary permissions including 'No Objection Certificate' (NOC) from the District Revenue Officer.



3. I am of the view that the petitioner cannot maintain this writ for issuing Mandamus. He has to necessarily question the 'No Objection Certificate' issued by the concerned Authority. The learned Standing counsel is directed to make available the photo copies of the permission obtained by the tenth respondent. The learned Standing counsel is directed to serve the same to the petitioner's counsel within a day through whats-app, so that the petitioner can thereafter, question the same in the manner known to law. I make it clear that I have not gone into the merits of the matter. The writ petition is closed only on the ground of maintainability, nothing else.

4. Granting such liberty to the petitioner, the Writ Petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

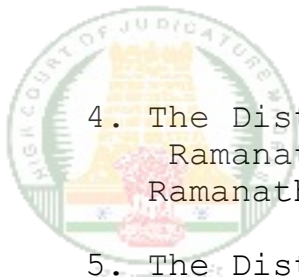
Sub Assistant Registrar(CS)

rm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1. The Director,
Ministry of Petroleum and Natural Gas
Sahstri Bavan,
New Delhi - 110 001.
2. The Additional Chief Secretary
Highways and Minor Ports Department,
St. Jorge Fort, Secretariat,
Chennai - 600 009.
3. The Regional Officer
Bharath Petroleum Corporation Ltd.,
No.37, Thiruparamkundram Road,
Pasumalai, Madurai - 625 004.



4. The District Collector
Ramanathapuram District,
Ramanathapuram.
5. The District Revenue Officer
Ramanathapuram District,
Ramanathapuram.
6. The Joint Chief Controller of Explosives
A and D Wing, Block 1 - 8,
Shash Bhavan,
No.26, Haddows Road,
Nungambakkam,
Chennai - 600 006.
7. The Divisional Engineer
Construction and Maintenance,
Highways Department,
Travellers Bangalow Road,
Ramanathapuram.
8. The Deputy Director of Health Services,
Swami Vivekanandhar Salai (Kenikarai),
Ramanathapuram Town,
Ramanathapuram.
9. The District Fire Officer,
Bharathi Nagar,
Near India Supermarket
Ramanathapuram.

+1 CC to Mr.S.NATESHRAJA, Advocate (SR-16176[F] dated 08/09/2020)
+1 CC to Mr.M.ASHOK KUMAR, Advocate (SR-16180[F] dated 08/09/2020)
+1 CC to the SPL GP (SR-16353[F] dated 09/09/2020)

W.P. (MD) No.10987 of 2020
07.09.2020

CS(17.09.2020) 4P 13C