



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.2054 of 2021

U.Ravishankar

... petitioner

-Vs-

- 1 The Project Director (PIU) - Kancheepuram
National Highways Authority of India
(Ministry of Road Transport and Highways)
No. 7 / 16 Govindarajan Street,
Tambaram West.
- 2 M/s. Hindustan Petroleum Corporation Limited
Represented by its
Authorised Signatory
No. 83 T. T. K. Road
Alwarpet, Chennai - 600018.
- 3 The Divisional Engineer
Highways Project Division Tamil Nadu State,
Chrompet, Chennai - 600 044.
- 4 The District Revenue Officer,
Chengalpattu District. ... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus to call for the records of the 1st Respondent in NHAI / 11039 / 37 / 2020 PIU. Kanchee / 3916 dated 01.12.2020 and quash the entire proceedings thereon and consequently direct the 1st Respondent to issue NOC to the petitioner to start a new retail outlet for selling petroleum products in Survey No. 200 / 11, 200 / 12, 200 / 13, 200 / 3B4, 200 / 3B5, 200 / 3B6, 200 / 3B7 at Vandalur Village Chengalpattu District after collecting the necessary fees.



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For petitioner: Mr. R.Balachanderan

For Respondent: Mr. Su.Srinivasan R1
Mr.Mohammed Riyaz R2
Mrs.C.Sangamithirai R3 & R4
Special Government Pleader

O R D E R

This Writ Petition has been filed to quash the proceedings in NHAI / 11039 / 37 / 2020 PIU. Kanchee / 3916 dated 01.12.2020 and direct the 1st Respondent to issue NOC to the petitioner to start a new retail outlet for selling petroleum products in Survey No. 200 / 11 200 / 12 200 / 13 200 / 3B4 200 / 3B5 200 / 3B6 200 / 3B7 at Vandalur Village Chengalpattu District after collecting the necessary fees.

2. The facts of the case are as follows:

The petitioner is running a petrol bunk in portion of the property (7180 sq. ft.) in the above said address from 18.09.1964 to 15.11.2019 and the petitioner's parents are the absolute owner of the said property. In the year 2008, when the land was under lease to BPCL, the National Highways Authority of India (NHAI), constructed a road over bridge in NH-45 at the northern side of the land. The NHAI have provided a service road to the width of 7.5 meters on the side of the land and the said land has ingress and egress from the service road.

3. It is the further case of the petitioner that he wanted to run a petroleum outlet of HPCL in the said land and the second respondent had consented to it and sought for the issuance of No Objection Certificate from the HHAI viz., first respondent. The first respondent rejected the request made by the petitioner on the ground that there is no service road. In fact there exists a service road at the width of 7.5 mtr, over and above the minimum of 7 meters as per the Government norms. Challenging the rejection order of the first respondent, the petitioner has filed the present writ petition before this court.

4. The learned counsel for the petitioner submitted that the petitioner's property is located within 200 meters from the approach of the fly-over/grade separator whereas a minimum of



300 m is required as per MoRT & H Circular dated 26.06.2020. The learned counsel further submitted that there is no existing service road mentioned in the drawing and service road could not be provided at this location as per the IRC provisions. However, the petitioner is ready to provide un-objectionable land and also provide barricade between the service road and main road as instructed by the first respondent. After complying with the said instructions, the first respondent may consider the petitioner's application and pass appropriate orders. The learned counsel prays to quash the proceedings of the first respondent and direct the first respondent to issue NOC after completing the necessary formalities.

5. The learned counsel for the first respondent submitted that if the petitioner is ready to provide the barricade between service road and the main road, the petitioner's application will be considered and necessary orders will be passed in accordance with law within the time limit as fixed by this court.

6. Heard both sides and perused the materials available on record.

7. Considering the fact that the petitioner is ready to provide the barricades between the main road and the service road and he is ready to comply with all the formalities as instructed by the first respondent and considering the consent view expressed by the first respondent, this court is inclined to quash the proceedings dated 01.12.2020 passed by the first respondent and remand the matter back to the first respondent for fresh consideration. Pursuant to the compliance of the requisite procedures, the first respondent is directed to consider the petitioner's application and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above terms, this Writ Petition is allowed. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



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To

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- 1 The Project Director (PIU) - Kancheepuram
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Highways Project Division Tamil Nadu State,
Chrompet, Chennai - 600 044.
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+1cc to the Government Pleader Sr.68682

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srg 22/12/2021