

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.8350 of 2021

Panjamurthy Selvaraj

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Petitioner

Vs

1. The Principal Secretary to Government,
Highways and Minor Ports Department,
Fort St. George,
Secretariat,
Chennai - 600 009.

2. District Revenue Division Officer,
Virudhunagar District Collectorate,
Virudhunagar - 626 002.

3. Indian Oil Corporation Ltd.
Rep. by its Chief Divisional Retail Sales Manager,
Madurai Divisional Office,
2, Race Course Road,
Chokkikulam,
Madurai - 625 002.

...

Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent herein to consider representation dated 15.03.2021 of the petitioner for grant of No Objection Certificate for setting up of Petroleum Retail Outlet based on the application bearing Ref. No.RO/202/NOC, dated 18.02.2020 submitted through 3rd respondent and pass appropriate orders.

For petitioner
For respondents

... Mr.S.Sathish
... Mr.M.Loganathan,
Addl. Govt. Pleader for R1
Mr.R.Sreedhar for R3
Mr.V.Shanmuga Sundar
Spl. Govt. Pleader for R2

ORDER

Mr.M.Loganathan, learned Additional Government Pleader accepts notice for the 1st respondent, Mr.V.Shanmuga Sundar, learned Special Government Pleader appearing accepts notice for the 2nd respondent and Mr.R.Sreedhar, learned counsel accepts notice for the 3rd respondent.

2. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

3. This writ petition has been filed for a Mandamus seeking for a direction to the 2nd respondent to consider the petitioner's representation, dated 15.03.2021 for grant of No Objection Certificate for setting up of a petroleum retail outlet based on his application bearing ref. No.RO/202/NOC, dated 18.02.2020 through the 3rd respondent and pass final orders, within a time frame to be fixed by this Court.

4. The case of the petitioner is that he has been allotted a petroleum retail outlet by the 3rd respondent Oil Corporation. It is his case that the 2nd respondent will have to issue No Objection Certificate for the purpose of starting the petroleum retail outlet. The petitioner has given a representation on 15.03.2021 to the 2nd respondent requesting them to grant No Objection Certificate for setting up petroleum outlet at Viswnatham Sivakasi Vertilai Uruli Road, Virudhunagar district. Since, the said representation has not been considered, this writ petition has been filed.

5. Heard Mr.S.Sathish, learned counsel for the petitioner, Mr.M.Loganathan, learned Additional Government Pleader for the 1st respondent, Mr.V.Shanmuga Sundar, learned Special Government Pleader appearing for the 2nd respondent and Mr.R.Sreedhar, learned counsel for the 3rd respondent.

6. The relief sought for in this writ petition is an innocuous one. The petitioner has admittedly been awarded a dealership of petroleum products by the 3rd respondent Oil Corporation on 25.11.2018 at Viswnatham Sivakasi Vertilai Uruli Road, Virudhunagar district under OBC category. In order to set up the said petroleum retail outlet, a no objection certificate is required from the 2nd respondent. The petitioner has given a representation on 15.03.2021 to the 2nd respondent seeking for the said No Objection Certificate. The 3rd respondent Oil Corporation has also recommended the case of the petitioner to the 2nd respondent. Admittedly, the said representation of the petitioner has not been considered till

date by the second respondent. No prejudice will be caused to the 2nd respondent, if the petitioner's representation is considered on merits and in accordance with law.

7. For the foregoing reasons, this Court directs the 2nd respondent to consider the petitioner's representation, dated 15.03.2021 seeking for issuance of No Objection Certificate for the purpose of setting up of a petroleum retail outlet at Viswnatham Sivakasi Vertilai Uruli Road, Virudhunagar district and pass final orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this writ petition is disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi2

To

1. The Principal Secretary to Government,
Highways and Minor Ports Department,
Fort St. George,
Secretariat,
Chennai - 600 009.

2. The District Revenue Division Officer,
Virudhunagar District Collectorate,
Virudhunagar - 626 002.

3. The Chief Divisional Retail Sales Manager,
Indian Oil Corporation Ltd.
Madurai Divisional Office,
2, Race Course Road,
Chokkikulam,
Madurai - 625 002.

+1cc to Mr.R.Sreedhar Advocate Sr.20490
+1cc to Government Pleader Sr.20772

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PMK(CO)
RPI 04/05/2021