



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

WEB COPY

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.NOS.9772 AND 11560 OF 2020

M.Justin John Kennedy ...Petitioner in both Wps

Vs

- 1.The District Revenue Officer,
Krishnagiri District,
Collectorate Road,
Krishnagiri - 635 001.
- 2.The Joint Chief Controller of Explosives,
A and D Wing, Block 1-8,
Shastri Bhavan,
No.26, Haddows Road, Nungambakkam,
Chennai- 600 006.
- 3.The Chief Engineer - Cum - Regional Officer,
Ministry of Road Transport and Highways(MORTH),
C-1-A, Rajaji Bhavan,
Besant Nagar, Chennai - 600 090.
- 4.The Superintending Engineer,
National Highways,
Alagapuram,
Omalur Main Road,
Salem - 636 004.
- 5.The Chief Regional Manager,
Hindustan Petroleum Corporation Ltd.,
Salem Regional Office (Retail),
Level-4, G.K.Towers,
Door No.395/2, First Main Road,
New Fairlands, Salem - 636 016.

...Respondents in
W.P.No.9772/2020



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- 1.The Chief Engineer - Cum - Regional Officer,
Ministry of Road Transport and Highways(MORTH),
C-1-A, Rajaji Bhavan,
Besant Nagar, Chennai - 600 090.
- 2.The Superintending Engineer,
National Highways,
Alagapuram, Omalur Main Road,
Salem - 636 004.
- 3.The Principal Secretary to Government,
Highways and Minor Ports Department,
Fort. St. George, Secretariat, Chennai - 600 009.
- 4.The Chief Regional Manager,
Hindustan Petroleum Corporation Ltd.,
Salem Regional Office (Retail),
Level-4, G.K.Towers,
Door No.395/2, First Main Road,
New Fairlands,
Salem, - 636 016.

...Respondents in
W.P.No.11560/2020

Prayer : W.P.No.9772 of 2020 filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records of the No Objection Certificate No. D.Dis.21515/2019/C2 dated 10.03.2020 issued by the 1st respondent in favour of the 5th respondent and quash the same and consequently to restrain the 1st to 4th respondents permanently from issuing Explosive License, permissions and approvals to the 5th respondent to set up and operate the Petroleum Retail Outlet at Survey No.984/2, Palepalli Village, Bargur Taulk, Krishnagiri District - 635 104, in violation to the Notification No. RW/NH-33023/19/99-DO-III dated 24.07.2013 issued by the Ministry of Road Transport and Highways, New Delhi and the Tamil Nadu G.O.No.79 dated 04.05.2017 for conversion of agricultural lands for other purposes.

W.P.No.11560 of 2020 filed under Article 226 of the Constitution of India seeking issuance of writ of certiorarified mandamus to call for the records of the In-principle Approval and provisional NOC No.F.No. CE - R0/Chennai MoRTH / 12017 / NH-



219 / ROL / 67 / 2019-20 dated 06.01.2020 issued by the 1st respondent and quash the same and consequently restrain the 1st respondent from issuing Final Approval and No Objection Certificate for Access to the National Highway No.219 (NH-219) for the proposed Petroleum Retail Outlet at Survey No.984/2, Palepalli Village, Bargur Taluk, Krishnagiri District - 635 104 in violation of the Notification No. RW/NH-33023/19/99-D0-III dated 24.07.2013 issued by the Ministry of Road Transport and Highways, New Delhi and Indian Road Congress Circular No. IRC:12:2016.

For the Petitioner in both WPs	:	Mr.V.Prakash Senior Counsel for Mr.V.B.R.Menon
For the Respondents	:	Mr.C.Harsha Raj Counsel for the State for respondent No.1 in W.P.No.9772 of 2020 and respondent No.3 in W.P.No.11560 of 2020 Mr.Vijayan for M/s King and Partridge for respondent No.5 in WP No.9772 of 2020 and respondent No.4 in WP No.11560 of 2020 No appearance for respondent No.2 to 4 in W.P.No.9772 of 2020 and respondent Nos.1 and 2 in W.P.No.11560 of 2020

COMMON ORDER

(Order of the Court was made by Hon'ble Chief Justice)

It is submitted by Mr.V.Prakash, learned senior counsel, that written instructions have been issued to withdraw the writ petitions. Accordingly, such writ petitions, W.P.Nos.9772 and 11560 of 2020, are permitted to be withdrawn, though the larger issue involved therein may be considered along with the other matters.



2. A submission is made by Mr.Prakash that the relevant petitioner may have been coerced into withdrawing the petitions. However, unless the petitioner makes a complaint or representation to such effect - which has not been done - such aspect of the matter cannot be looked into.

3. The issues involved in most of the matters pertain to the desirability of establishing petrol bunks in residential areas, the adherence to the guidelines and the distances from schools, educational institutions and the like which ought to be maintained. Such aspects can be conveniently looked into in course of several other matters which are pending.

W.M.P.Nos.14151,14152, 20458 of 2020 and 9582 of 2021 are closed. There will be no order as to costs.

Sd/-
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

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To

- 1.The District Revenue Officer
Krishnagiri District
Collectorate Road, Krishnagiri - 635 001.
- 2.The Joint Chief Controller of Explosives
A and D Wing, Block 1-8, Shastri Bhavan
No.26, Haddows Road, Nungambakkam
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- 4.The Superintending Engineer
National Highways, Alagapuram, Omalur Main Road
Salem - 636 004.



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

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+1cc to Mr.AL.Ganthimathi, Advocate SR.No.56252

+2ccs to M/s.King & Partridge, Advocates SR.No.56125, 56124

W.P.Nos.9772 and 11560 of 2020

SR-II(CO)

RVM(11/11/2021)