

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.14119 of 2020
and W.M.P.No.17525 of 2020

Mr.K.Janakiraman

...Petitioner

Vs.

- 1.The District Revenue Officer,
Dharmapuri District, Dharmapuri.
- 2.The Divisional Manager,
Indian Oil Corporation,
No.234, 1st Floor, SDLOA Building,
NH-7, Bye Pass Road,
Kondalampatti Salem.
- 3.The Revenue Divisional Officer,
Harur Division, Dharmapuri District.
- 4.The Tahsildhar,
Harur, Dharmapuri District.
- 5.The Assistant Divisional Engineer,
Highways Department,
Harur, Dharmapuri District.
- 6.The Deputy Chief Controller of Explosives
A and D - Wing, Block 1-8, II-nd Floor,
Shastri Bhavan,
No.26-Haddows Road,
Nungambakkam,
Chennai - 600 006.

7.Tmt.Archana Devi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus forbearing the 1st & 6th respondents from granting No Objection Certificate to the 2nd respondent to set up it's proposed petroleum retail outlet at S.No.46/2, Rajapannai, Harur, on the Theerthamalai-Harur Road (SH) by the 7th respondent.

For Petitioner : Mr.J.Bharathi Raja
For Respondents: Mr.K.Parameshwaran for R1, R3 to R5
Government Advocate

Mr.Mohammed Fayaz Ali for R2

O R D E R

This writ petition has been filed for a mandamus to forbear the first and sixth respondents from granting No Objection Certificate to the second respondent to set up its proposed petroleum retail outlet at S.No.46/2, Rajapannai, Harur on Theerthamalai-Harur Road (SH) by the seventh respondent.

2.Heard Mr.J.Bharathi Raja, learned counsel for the petitioner, Mr.K.Parameshwaran, learned Government Advocate for the respondents 1, 3 to 5 and Mr.Mohammed Fayaz Ali, learned counsel for the second respondent.

3.The learned standing counsel for the second respondent on instructions would submit that No Objection has already been issued to the second respondent and hence the writ petition has now become infructuous. However, the learned counsel for the petitioner on instructions would submit that the said No Objection Certificate issued by the first respondent is illegal.

4.Since No Objection Certificate has already been issued to the second respondent, the relief sought for namely to forbear the respondents 1 and 6 from issuing No Objection Certificate to the second respondent has now become infructuous. However, if aggrieved, the petitioner will have to challenge the issuance of No Objection Certificate in accordance with law before the appropriate Forum.

5.For the foregoing reasons and after recording the submissions made by the learned standing counsel for the second respondent, the writ petition is disposed of and liberty is granted to the petitioner to challenge the No Objection Certificate issued by the first respondent to the second respondent in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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+1 CC to Mr.J.Bharathi Raja, Advocate sr 267

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SSI (CO)
SP(01/02/2021)

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