



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 16392 of 2021
and
WMP. No. 17362 of 2021

D.Kumar

... Petitioner

Versus

1. Nayara Energy Limited (formerly Essar Oil Limited)
Sreerosh Madhav Building, Second floor,
Old No.73/2, New No.58/2, New Avadi Road,
Kilpauk, Chennai - 600 010.

2. The District Revenue Officer,
Perambalur District.

3. The Divisional Engineer (C&M),
Highways Department,
Ponnagar, Trichy.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 2 & 3 to grant No Objection Certificate for the establishment of the retail MS/HSD outlet in survey No.208/3B2 of Elambalur Village, Perambalur Taluk and District within a time frame fixed by this Court in accordance with law.

For Petitioner : Mr. G. Ilamurugu

For R1 : Mr. M. Vijaymeganathan
for M/s AAV.Partners

For R2 & R3 : Mr. Stalin Abhimanyu,
Government Counsel

ORDER

The petitioner has filed this writ petition praying to issue a Writ of Mandamus directing the respondents 2 & 3 to grant No Objection Certificate for establishment of the retail MS/HSD outlet in survey No.208/3B2 of Elambalur Village,



Perambalur Taluk and District within a time frame to be fixed by this Court.

2. According to the petitioner, he was given an order of allotment by the first respondent for establishment of a petroleum retail outlet. Thereafter, the first respondent applied for grant of No Objection Certificate with the second respondent. However, the said application is pending from the year 2019. Therefore, the petitioner is before this court with the present writ petition for the aforesaid relief.

3. Today, when the writ petition is taken up for hearing, the learned Government Counsel filed a typed set of papers, in which two communications were enclosed. By the communication dated 02.07.2020 of the Project Director, National Highways Authority of India, Ponnagar, Trichy addressed to the petitioner, it was stated that the application seeking No Objection Certificate has to be filed in the prescribed format and therefore it was returned. It appears that the said application was represented by the petitioner. Thereafter, by a communication dated 27.08.2021, addressed to the second respondent, it was stated that the first respondent has to submit the application in the prescribed format. Pointing out the same, the learned Government Counsel submitted that the application of the first respondent was returned by raising some queries and re-submission of the same with the prescribed format.

4. In view of the above submission made by the learned Government Counsel appearing for the respondents 2 and 3, the learned counsel appearing for the petitioner submitted that it would suffice, if the petitioner is granted liberty to approach the respondents 2 and 3 for appropriate relief.

5. Granting such liberty to the petitioner, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

av/rsh



To

1. The District Revenue Officer,
Perambalur District.

2. The Divisional Engineer (C&M),
Highways Department,
Ponnagar, Trichy.

+1cc to Mr.AAV Partners, Advocate SR.No.54812
+1cc to the Government Pleader SR.No.54620

WP No.16392 of 2021

GPL(CO)
GN(01/12/2021)