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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.16534 of 2021
and W.M.P.No.17503 of 2021

L.M.Yesurajan @ Cristhurajan

...Petitioner

-vs-

- 1 The District Collector
O/o.The District Collector
Tiruvannamalai District-606 604
- 2 The District Revenue Officer
O/o.The District Collector
Tiruvannamalai District-606 604
- 3 The Deputy Director
Public Health Services, Cheyyar
Tiruvannamalai District-604 407
- 4 The Divisional Engineer
O/o.Highways Department, Cheyyar
Tiruvannamalai District-604 407
- 5 The District Fire Officer
O/o.District Fire Service
Tiruvannamalai 606 604
- 6 The Block Development officer
Arani (East) Block Development Office,
Arani, Tiruvannamalai District-632 301
- 7 The Divisional officer
No.82, Hindustan Petroleum Corporation,
T.T.K.Road, Petrol Bhavan, Alwarpet,
Chennai-18.
- 8 Dinesh Babu

...Respondents



Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondents 1 to 6 to stop the 7th and 8th Respondents from installing petrol bunk (retail) at Survey No.29/12A, Sevrur village, Arani Taluk, Tiruvannamalai District and remove the encroachment made by the 8th Respondent on the canal which lead to lake (Periya Aeri) at Sevrur village, Arani Taluk, Tiruvannamalai District.

For Petitioner : Mr.M.Vijayaragavan

For Respondents: Mr.P.Muthukumar
Counsel for State for RR 1 to 6

: Mr.Vijayan
for M/s.King & Partridge for RR 7 & 8

ORDER

(Made by the Hon'ble Chief Justice)

The grievance of the petitioner is that the seventh and eighth respondents herein are seeking to put up a retail petrol outlet at S.No.29/12A, Sevrur Village, Arani Taluk in Tiruvannamalai District by constructing on a canal that leads to Periyar Eri at Sevrur Village.

2. Hindustan Petroleum Corporation is represented and it is submitted by such corporation that the petition has been filed with ulterior motive and it is evident that a representation was made by the petitioner to the authorities in the end of July and the petitioner has rushed to court immediately thereafter without waiting for a reasonable time for the representation to be considered.

3. Mr.P.Muthukumar, learned counsel appearing for the official respondent Nos.1 to 6, submits that the District Collector is the appropriate authority to assess whether a retail petrol outlet is being set up at an appropriate site.

4. Accordingly, without going into the merits of the petitioner's contentions, W.P.No.16534 of 2021 is disposed of by directing the first respondent District Collector of Tiruvannamalai to ascertain whether any construction for the purpose of setting up the retail outlet has been or is proposed to be made on any waterbody or channel leading to a waterbody. It will be open to the Collector to cause an inquiry to be made, upon giving adequate notice to Hindustan Petroleum Corporation and the eighth respondent and any other who may be affected by his final decision. If any remedial measures are necessary, the



Collector will indicate the same. The Collector should pass a reasoned order on the petitioner's representation, a copy whereof appears at page 36, within six weeks of the receipt thereof. Mr.Muthukumar should immediately cause copies of this order and the relevant representation to be reached to the relevant Collector.

There will be no order as to costs. Consequently, W.M.P.No.17503 of 2021 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sra

To:

- 1 The District Collector
O/o.The District Collector
Tiruvannamalai District-606 604
- 2 The District Revenue Officer
O/o.The District Collector
Tiruvannamalai District-606 604
- 3 The Deputy Director
Public Health Services,
Cheyyar
Tiruvannamalai District-604 407
- 4 The Divisional Engineer
O/o.Highways Department,
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- 5 The District Fire Officer
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Arani, Tiruvannamalai District-632 301



7 The Divisional officer
No.82, Hindustan Petroleum Corporation,
T.T.K.Road,
Petrol Bhavan, Alwarpet,
Chennai-18.

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+1cc to M/s.King & Partridge, S.R.No.39553
+1cc to the Government Pleader, S.R.No.39481
+1cc to Mr.D.Parthiban, Advocate, S.R.No.39243

W.P.No.16534 of 2021

PVS (CO)
RGA (16/08/2021)