

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.14461 of 2020

R.Shiva Prasad

... Petitioner

Vs

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

2. The District Collector,
Coimbatore District,
Coimbatore.

3. The Divisional Engineer,
Construction & Maintenance
Highway Department,
Coimbatore.

4. Hindustan Petroleum Corporation Limited
Coimbatore Regional Office,
Rep. by Deputy General Manager,
HP House, 18/3,
Big Bazar Street,
Coimbatore - 641 001.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents 1 & 3 to grant No objection certificate for setting up retail petroleum outlet of the 4th respondent in S.F. No.944/1B, 24, Veerapandi Village, Anaikatti Coimbatore.

For petitioner

... Mr.M.Ashwin Kumar

For respondents

... Mr.V.Shanmugasundar

Special Govt. Pleader for RR1 to 3
Mr.Babu Rangasamy for R4

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 3 to grant No objection Certificate for setting up retail petroleum outlet of the 4th respondent in S.F. No.944/1B, 24, Veerapandi Village, Anaikatti Coimbatore.

2. Mr.V.Shanmugasundar, learned Special Government Pleader appearing on behalf of the respondents 1 to 3, on instructions would submit that the petitioner's application seeking for issuance no objection certificate for setting up the aforementioned retail petroleum outlet has been rejected by the third respondent on 20.07.2020. He would also submit that the said order was communicated to the petitioner on 07.09.2020 and it was acknowledged by the petitioner on 15.09.2020.

3. Since, the petitioner's request for issuance of no objection certificate has already been rejected by the third respondent, the mandamus sought for in this writ petition will not arise now. The only remedy available to the petitioner, if so aggrieved is to challenge the order, dated 20.07.2020, rejecting the petitioner's application seeking for issuance of no objection certificate. Hence, this writ petition is disposed of. However, liberty is granted to the petitioner to challenge the order dated 20.07.2020 passed by the third respondent in accordance with law. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi2

To

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

2. The District Collector,
Coimbatore District,
Coimbatore.

3. The Divisional Engineer,
Construction & Maintenance
Highway Department,
Coimbatore.

4. The Deputy General Manager,
Hindustan Petroleum Corporation Limited
Coimbatore Regional Office,
HP House, 18/3,
Big Bazar Street,
Coimbatore - 641 001.

+1 cc to M/s.Sarvabhuman Associates, Advocate Sr.No. 2085

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KK (CO)
RMP (04/02/2021)



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