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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.20646 of 2021

Sri Valampuri Annamalai Fuels
A Micro Enterprise
Represented by its Proprietor,
Muthusamy Kandiar Annamalai,
21/22 Perumal South Street,
Nagapattinam - 611 001.

... Petitioner

Vs.

1. Tamil Nadu Small Industries
Development Corporation Ltd., (SIDCO),
Represented by its Managing Director,
Guindy, Chennai.

2. Hindustan Petroleum Corporation Ltd.,
Represented by its Chief Manager Retail Engineering,
Trichy Retail Regional Office,
No.90, 2nd Floor, MSDR Enclave,
Bharathidasan Road, Cantonment,
Trichy - 620 001.

3. District Revenue Officer,
Nagapattinam District,
Nagapattinam - 611 001.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to issue an NOC for setting up of Petroleum Retail Outlet Dealership at Plot No.41 Government Industrial Estate Nagapattinam comprised in old T.S No.8, New T.S.No.8/1 measuring an extent of 6800 sq. ft., Nagoor Main Road, Nagapattinam Town pursuant to the application dated 06.08.2021.

For Petitioner : M/S.P.N.Vignesh

For Respondent R2: Mr.Mohammed Fayaz Ali

For Respondent R3: Mrs. C. Sangamithirai
Special Government Pleader



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the 1st respondent to issue an NOC for setting up of Petroleum Retail Outlet Dealership at Plot No.41 Government Industrial Estate Nagapattinam comprised in old T.S No.8, New T.S.No.8/1 measuring an extent of 6800 sq. ft., Nagoor Main Road, Nagapattinam Town pursuant to the application dated 06.08.2021.

2. The case of the petitioner is that he purchased a piece of land from one B.Thara under sale deed dated 28.11.2019 registered as Document No.1252 of 2019 bearing Plot No.41 Government Industrial Estate Nagapattinam comprised in Old T.S.NO.8, New T.S.No.8/1 measuring an extent of 6800 sq. ft., Nagoor Main Road, Nagapattinam Town. Thereafter, the 2nd respondent issued a letter dated 05.12.2020 and he was paid with an amount of Rs.4,50,000/- towards security deposit by the petitioner. The 2nd respondent submitted an application dated 04.12.2020 on behalf of the petitioner before the District Magistrate, Nagapattinam. Upon receipt of said application, the concerned Magistrate conducted an enquiry and obtained No Objection Certificates from various District authorities. As a final stage of obtaining NOC from the said District Magistrate, an NOC was required to be obtained from the 1st respondent since the offered land was within the SIDCO compound. Accordingly an application dated 06.08.2021 was made by the 2nd respondent to the Managing Director of the 1st respondent on behalf of the petitioner. Despite receiving the said request, there was no reply was given by the 1st respondent. Hence, this Writ Petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 1st respondent to decide on the 2nd respondent's letter dated 06.08.2021, sent on behalf of the petitioner and pass orders on the same within a particular time frame fixed by this Court.

4. The learned counsel appearing for the respondents have no objection for the said order being passed.

5. In view of the above, this Court, without expressing any opinion on the merits of the case, directs the 1st respondent to decide on the 2nd respondent's letter dated 06.08.2021 on merits and in accordance with law and pass appropriate orders within a



period of four weeks from the date of receipt of a copy of this order.

6. This writ petition is accordingly disposed of. No costs.

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Sd/-
Assistant Registrar(LA)

//True Copy//

Sub Assistant Registrar

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To

1. Tamil Nadu Small Industries
Development Corporation Ltd., (SIDCO),
Represented by its Managing Director,
Guindy, Chennai.
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Represented by its Chief Manager Retail Engineering,
Trichy Retail Regional Office,
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Bharathidasan Road, Cantonment,
Trichy - 620 001.
3. District Revenue Officer,
Nagapattinam District,
Nagapattinam - 611 001.

+1cc to Mr.Vignesh, Advocate, S.R.No.66567

+1cc to Mr.Mohamed Fiayaz Ali, Advocate, S.R.No.66565

+1cc to the Government Pleader, S.R.No.67063

W.P.No.20646 of 2021

SRA(CO)
SU(28/01/2022)