

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.19255 of 2020

K.Menaka

... Petitioner

Vs.

1. The District Collector
Collectorate Building
Thiruvavarur District 610 004.

2. The District Revenue Officer
Thiruvavarur District, Thiruvavarur 610 004.

3. The Director
Nayara Energy Limited
4th Floor MIG-341 (Above Viveks)
LIG Colony, 80 Feet Road
Anna Nagar
Madurai 625 020.

.... Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the second respondent to consider petitioner's representation dated 01.12.2020 and to cancel the "No Objection Certificate" issued to the third respondent to operate a petrol retail outlet in the property comprised in S.No.592/7B, situated in Karrakottai Village, Needamagaam Taluk, Thiruvavarur District, which is situated adjacent to the Government Higher Secondary School, Primary School, Anganwadi and ration shops within 40 meters.

For Petitioner : Mr.Sesu Balan Raja
For Mr.A.Vinothraj

For Respondents 1 & 2 : Mr.V.Jayaprakash Narayanan
State Govt. Pleader

ORDER

(Made by SENTHILKUMAR RAMAMOORTHY, J)

The petitioner complains about the grant of "No Objection Certificate" issued to the third respondent to operate a fuel retail outlet in the property situated in S.No.592/7B, situated

in Karrakottai Village, Needamagaam Taluk, Thiruvarur District.

2. The writ petitioner asserts that the aforesaid fuel retail outlet is located within 40 meters from the Government Higher Secondary School, Primary School, Anganwadi and ration shops and that it is not permitted as per the Revised Draft Code of Regulations for Play Schools, 2015.

3. Learned State Government Pleader submits that the Code of Regulations for Play Schools, 2015 only applies to schools imparting education to children in the age group of 1½ years to 5½ years. Consequently, he submits that if the Government Higher Secondary School or Primary School, which is situated close to the fuel retail outlet of the third respondent, imparts education to children within the said age group, the no objection certificate issued to the third respondent may be liable to be cancelled. Otherwise, it would be inapt. He further states that he is unaware as to whether the revised Draft Code of Regulations for Play Schools has been notified as on date.

4. In the light of the rival contentions, without examining the merits of the representation dated 01.12.2020 of the petitioner, the writ petition is disposed of by directing the District Revenue Officer, Thiruvarur District, Thiruvarur to consider such representation of the petitioner, in accordance with applicable laws and regulations, and pass a speaking order thereon, after providing a reasonable opportunity to all the affected parties, including the third respondent herein. Such speaking order shall be passed within a period of eight weeks from the date of receipt of a copy of this order.

W.P.No.19255 of 2020 is disposed of on the above terms. There will be no order as to costs. WMP No.23844 of 2020 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kpl

To

1. The District Collector
Collectorate Building
Thiruvarur District 610 004.

2. The District Revenue Officer
Thiruvarur District
Thiruvarur 610 004.

+1cc to Mr.A.Vinothraj, Advocate, S.R.No. 13323
+1cc to the Government Pleader, S.R.No. 13147

W.P.No.19255 of 2020

LN (CO)
GN (16/03/2021)



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