



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NO.23150 OF 2021

AND

W.M.P.NO.24427 OF 2021

R.Sundara Srinivasan

... Petitioner

Versus

1. The District Revenue Officer,
Thiruvallur District,
Thiruvallur - 602 001.
2. The Divisional Engineer (H),
Highways Department,
C & M Division,
Thiruvallur - 602 001.
3. M/s.Bharat Petroleum Corporation Ltd.,
No.35, Vaidyanathan Street,
Tondiarpet,
Chennai - 600 081.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to issue No Objection Certificate to the 3rd respondent to start up the Retail Outlet i.e., storage and use of 15 KL "A" Class and 20 KL "B" Class Petroleum Products in the site situated at S.No.140/8, 140/7 of Thiruvalangadu Village, (M.D-32-Thiruvallur-Arakonam Road) Tiruttani Taluk, Thiruvallur District forthwith by considering the application of the third respondent dated 18.01.2020, within the stipulated time, as fixed by this Court.

For Petitioner : Mr.A.Ilayaperumal

For Respondent - 1 : Mr.G.Krishnaraja
Government Counsel



O R D E R

Mr.G.Krishnaraja, learned Government Counsel takes notice for the first respondent. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

2. The relief sought by the petitioner in this writ petition is to issue a Writ of Mandamus directing the first respondent to issue No Objection Certificate to the third respondent to start up Retail Outlet i.e., storage and use of 15 KL "A" Class and 20 KL "B" Class Petroleum Products in the site situated at S.No.140/8, 140/7 of Thiruvallangadu Village, (M.D-32-Thiruvallur-Arakonam Road) Tiruttani Taluk, Thiruvallur District forthwith, by considering the application of the third respondent dated 18.01.2020, within the stipulated time, as fixed by this Court.

3. According to the petitioner, in response to the advertisement dated 25.11.2018 published by the third respondent inviting application for award of Retail Outlet Dealership, he submitted his application on 21.12.2018. On 31.01.2019, the third respondent conducted a draw of lot in which the petitioner was selected for award of the dealership. On 06.01.2020, the third respondent issued a Letter of Intent to the petitioner subject to certain conditions and subsequently, submitted an application dated 18.01.2020 to the first respondent requesting to issue a No Objection Certificate under Rule 144 of Petroleum Rules, 2002. The said application was forwarded by the first respondent to the second respondent on 15.12.2020 to conduct an enquiry by inspecting the site and to submit a report. Thereafter, the second respondent, by a communication dated 29.01.2021 returned the application of the third respondent with a direction to furnish certain documents. On receipt of the same, the first respondent sent a communication dated 27.07.2021 to the third respondent intimating about the return of the application and called for the particulars sought by the second respondent. In such circumstances, the petitioner has filed this writ petition for the relief stated supra.

4. The learned counsel for the petitioner submitted that the proposed retail outlet is situated in a land adjacent to State Highway and it is not governed by the Indian Road Congress (IRC) guidelines. Therefore, a report from the second respondent is not at all required and the first respondent is competent to issue a No Objection Certificate to commence the retail operation. The learned counsel relied on various orders passed by the Division Bench of this Court and contended that the IRC guidelines have no legal sanctity and on the basis of such



guidelines, the second respondent ought not to have returned the application submitted by the third respondent Corporation for issuing No Objection Certificate.

5. On the above contention of the counsel for the petitioner, this Court heard the learned Government counsel for the first respondent.

6. The third respondent corporation submitted an application on 18.01.2020 seeking No Objection Certificate to enable the petitioner to commence the petroleum retail outlet. The said application was returned by the second respondent on 29.01.2021 for want of certain documents.

7. In this context, in similar circumstances, this Court, by order dated 11.03.2021 passed an order in WP No. 35885 of 2015 holding that IRC guidelines are not mandatory, rather, they are recommendatory in nature. Having regard to the above, this Court directs the first respondent to consider the application submitted by the third respondent Corporation seeking No Objection Certificate in the light of the order passed by this Court mentioned above in W.P.No.35885 of 2021. The petitioner is also permitted to enclose a copy of the order referred supra along with a copy of this order. On receipt of the same, considering the long pendency of the application submitted by the third respondent, the first respondent is directed to pass appropriate orders, on merits forthwith.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, W.M.P.No.24427 of 2021 is closed.

Sd/-
Assistant Registrar(DIGITS)

//True Copy//

Sub Assistant Registrar

mrr/rsh

To

1. The District Revenue Officer,
Thiruvallur District,
Thiruvallur - 602 001.
2. The Divisional Engineer (H),
Highways Department, C & M Division,
Thiruvallur - 602 001.



3. M/s.Bharat Petroleum Corporation Ltd.,
No.35, Vaidyanathan Street,
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+1cc to Mr.A.Ilayaperumal, Advocate, S.R.No.55547
+1cc to the Government Pleader, S.R.No.55856

W.P.NO.23150 OF 2021

KG (CO)
PBS/29/11/2021