



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

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THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.26389/2021 and WMP.Nos.27855 and 27856/2021

M.Somasundran

...Petitioner

-vs-

1. The Union of India,
rep. by the Chief Engineer-cum-
Regional Officer,
Ministry of Road Transport and
Highways (MoRTH),
C-1-A, Rajaji Bhavan,
Besant Nagar, Chennai-600 090.
2. State of Tamil Nadu
rep. by its Principal Secretary,
Highways & Minor Ports Department,
Fort St. George, Secretariat,
Chennai-600 009.
3. The Superintending Engineer,
National Highways, Alagapuram,
Omalur Main Road, Salem-636 004.
4. The District Revenue Officer,
Krishnagiri,
Krishnagiri District.
5. The Chief Regional Manager,
Hindustan Petroleum Corporation Ltd.,
Salem Regional Office (Retail),
Level-4, G.K.Towers,
Door No.395/2, 1st Main Road,
New Fair Lands, Salem-636 016.

...Respondents



Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in F.No.CE-RO/Chennai/MoRTH/12017/NH-219/ROL/67/2019-20 dated 06.01.2020 issued by the 1st respondent and subsequent impugned order in D.Dis.21515/2019/C2 dated 10.03.2020 issued by the 4th respondent and quash the same and further direction directing the respondents 1 to 4 to restrain from issuing Explosive License, Permission and Approvals to the 5th respondent to install and operate the Petrol/Diesel bunk at the proposed site in Survey No.984/2 situated at Palepalli Village, Bargur Taluk, Krishnagiri District.

For Petitioner : Mr.N.Sureka
For 1st Respondent : Mrs.R.Durga Rani, CGSC

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed seeking to quash the impugned order in F.No.CE-RO/Chennai/MoRTH/12017/NH-219/ROL/67/2019-20 dated 06.01.2020 issued by the 1st respondent and subsequent impugned order in D.Dis.21515/2019/C2 dated 10.03.2020 issued by the 4th respondent with a further direction, directing the respondents 1 to 4 to restrain from issuing Explosive License, Permission and Approval to the 5th respondent to install and operate the Petrol/Diesel bunk at the proposed site in Survey No.984/2 situated at Palepalli Village, Bargur Taluk, Krishnagiri District.

2. Learned Counsel appearing for the petitioner would submit that the 5th respondent, namely, the Chief Regional Manager, Hindustan Petroleum Corporation Limited, Salem Regional Office (Retail), Level-4, G.K. Towers, Door No.395/2, 1st Main Road, New Fair Lands, Salem-636 016, has decided to set up and operate a New Petroleum Retail Outlet (Petrol Bunk) at the proposed site in Survey No.984/2, Palepalli Village, Bargur Taluk, Krishnagiri District. In this regard, they have taken permission and approval from the 1st respondent, namely, the Chief Engineer-cum-Regional Officer, Union of India, Ministry of Road Transport and Highways (MoRTH), C-1-A, Rajaji Bhavan, Besant Nagar, Chennai-600 090 and thereafter, the District Revenue Officer, Krishnagiri, Krishnagiri District, the 4th respondent herein has also issued the ''In-Principle Approval and Provisional NOC'' to start a new Petrol/Diesel Retail Bunk at the proposed site.



Then, the 4th respondent has also issued a 'No Objection Certificate' to the 5th respondent to start a New Petrol/Diesel Outlet at the proposed site. But according to the petitioner, the 'In-Principle Approval and NOC' issued by the 1st respondent was in violation of the Notification dated 24.07.2013 issued by the Ministry of Road Transport and Highways, New Delhi and also the G.O.(Ms) No.79, Housing and Urban Development [UD4(3)] Department dated 04.05.2017 issued by the State of Tamil Nadu for the reason that the place in which the proposed site is situated is surrounded by agricultural lands and residential area, therefore, the operation of the petrol bunk shall be highly dangerous to the neighbouring agricultural fields due to the possible contamination of petrol products with the water sources therein. Hence, if the agricultural land is going to be converted for other commercial purposes, it is mandatory to obtain prior permission as per G.O.No.79 dated 04.05.2017 issued by the State Government, it is pleaded. The only grievance expressed by the learned Counsel for the petitioner shows that the 5th respondent has obtained the approval and permission from the 1st respondent by submitting a fraudulent site plan and without conducting proper enquiry.

3. Mrs.R.Durga Rani, learned Central Government Standing Counsel takes notice for the 1st respondent.

4. Prima facie, we are not able to find any justification or merits in filing the present Writ Petition. The reason being that, firstly, the petitioner in paragraph 2 of his affidavit filed in support of the Writ Petition stated that he is permanently residing at No.58, Vennampalli Village, Mallinayanappalli Post, Bargur Taluk, Krishnagiri District, whereas the 5th respondent, namely, the Chief Regional Manager, Hindustan Petroleum Corporation Limited, Salem Regional Office (Retail), Level-4, G.K. Towers, Door No.395/2, 1st Main Road, New Fair Lands, Salem-636 016 has decided to set up and operate the New Petroleum Retail Outlet (Petrol Bunk) at the proposed site in Survey No.984/2, Palepalli Village, Bargur Taluk, Krishnagiri District. That shows that the writ petitioner does not belong to Palepalli Village, Bargur Taluk, Krishnagiri District. Secondly, when the 5th respondent has admittedly made an application to the 1st respondent seeking explosive license permission and approval, he has also admitted that on 06.01.2020, the 1st respondent, namely, the Chief Engineer-cum-Regional Officer, Union of India, Ministry of Road Transport and Highways (MoRTH), C-1-A, Rajaji Bhavan, Besant Nagar, Chennai-600 090, has granted permission to start a new Petrol/Diesel Retail Bunk at the proposed site in Survey No.984/2, Palepalli



Village, Bargur Taluk, Krishnagiri District, followed the NOC. issued by the 4th respondent, the District Revenue Officer, Krishnagiri, Krishnagiri District, to start a new Petrol/Diesel Bunk. Therefore, when the respondents 1 and 4 had already considered the request of the 5th respondent to set up a petrol/diesel bunk at the proposed site, we cannot find fault with either 4th respondent or 1st respondent for issuing the necessary permission and approval. The reason being that admittedly, Survey No.984/2, Palepalli Village, Bargur Taluk, Krishnagiri District is situated only in the agricultural land and when the petroleum bunks are all situated in the residential and commercial areas, in our considered opinion, the new petrol/diesel bunk is proposed to be set up far away from the residential and commercial area. The photographs enclosed at page 75 also shows that the petrol bunk is going to be set up far away from the residential area and closer to the main road. Therefore, the writ petition does not appear to be the one filed for any of the public cause. Hence, we are not able to find any justification or merit in the Writ Petition.

5. In the result, the Writ Petition fails and the same is accordingly dismissed at the admission stage itself. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Engineer-cum-
Regional Officer,
Union of India,
Ministry of Road Transport and
Highways (MoRTH),
C-1-A, Rajaji Bhavan,
Besant Nagar, Chennai-600 090.
2. The Principal Secretary,
State of Tamil Nadu,
Highways & Minor Ports Department,
Fort St. George, Secretariat,
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3. The Superintending Engineer,
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4. The District Revenue Officer,
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Krishnagiri District.
5. The Chief Regional Manager,
Hindustan Petroleum Corporation Ltd.,
Salem Regional Office (Retail),
Level-4, G.K.Towers,
Door No.395/2, 1st Main Road,
New Fair Lands, Salem-636 016.

+1 CC to Mr.N.Sureka, advocate sr 65783.

W.P.No.26389/2021

SR(CO)
SP(25/01/2022)