



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27372 of 2021
and WMP.No.28888 of 2021

Palaniyammal

...Petitioner

vs.

1. The Divisional Officer,
Indian Oil Corporation Limited,
Salem
District Lorry Owners Association Building,
234, Salem-Bangalore Bye Pass Road,
Kondalampatty, Salem,
Salem District.
2. The Project Director,
National highways Authority of India,
(Ministry of Road Transport and Highways)
Office of the Project Director (PIV)
No.26, first floor, VGP Nagar West,
Vazhudhareddy Post, Villupuram.
3. The District Revenue Officer,
Krishnagiri District,
Krishnagiri.
4. The Revenue Divisional Officer,
Krishnagiri, Krishnagiri District.

5. Aruna Dheenadyalan

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue an order or direction or Writ and in particular Writ in the nature of a Writ of Mandamus, forbearing the respondents 1 to 4 from granting permission to the 5th respondent for establishing a fuel station of Indian Oil Corporation Limited in a property situate at Survey no.4/1, in Batrahalli Village, Pochampalli Taluk, Krishnagiri District based on the representation cum legal notice dated 30.09.2021 and 19.10.2021.



WEB COPY

For Petitioner : Mr. C.Prabakaran

For Respondents : Mr. Mohammed Riyaz Ali R1
Mrs.C.Sangamithirai RR3 & 4
Spl. Government Pleader

ORDER

The petitioner has filed this petition seeking issuance of Writ of Mandamus forbearing the respondents 1 to 4 from granting permission to the 5th respondent for establishing a fuel station of Indian Oil Corporation Limited in a property situate at Survey no.4/1, in Batrahalli Village, Pochampalli Taluk, Krishnagiri District based on the representation cum legal notice dated 30.09.2021 and 19.10.2021.

2. The case of the petitioner is that she made an application for the establishment of fuel retail outlet at the above said address to the first respondent and the same was approved, for which, the petitioner has completed all the formalities and she will shortly open the fuel station. At this juncture, the petitioner came to know that the first respondent also approved the tender in favour of the 5th respondent for opening the fuel station within 300 meters from the petitioner's place, just opposite to the petitioner's fuel station, for which, the petitioner made an objection to the first respondent dated 19.10.2021. However, there is no response from the first respondent. Hence, the present Writ Petition has been filed seeking for the above said relief.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the first Respondent to consider the petitioner's representation/objection dated 19.10.2021 within the time frame as fixed by this Court.

4. The learned counsel for the first respondent submitted that the 5th respondent has got approval from the first respondent to establish a fuel station beyond 300 meters from the petitioner's fuel station. The said rule is not applicable to the present case and the first respondent has rightly taken the decision. However, the petitioner's representation dated 19.10.2021 will be considered and appropriated orders will be passed in accordance with law within the time frame fixed by this Court.

5. Heard the learned counsel for the petitioner as well as the learned counsel for the first respondent, the learned Special Government Pleader appearing for the respondents 2 to 4 and perused the materials available on record. There is no



representation on behalf of the 5th respondent, however, no adverse order is passed against him and hence, the appearance of the 5th respondent is dispensed with.

5. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the first respondent to consider the petitioner's representation dated 19.10.2021 and pass orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

rli

To

1. The Divisional Officer,
Indian Oil Corporation Limited, Salem,
District Lorry Owners Association Building,
234, Salem-Bangalore Bye Pass Road,
Kondalampatty, Salem,
Salem District.
2. The Project Director,
National highways Authority of India,
(Ministry of Road Transport and Highways)
Office of the Project Director (PIV)
No.26, first floor, VGP Nagar West,
Vazhudhareddy Post, Villupuram.
3. The District Revenue Officer,
Krishnagiri District, Krishnagiri.
4. The Revenue Divisional Officer,
Krishnagiri, Krishnagiri District.

+1cc to Mr.C.Prabakaran, Advocate SR.No.69224
+1cc to Government Pleader SR.No.69845

W.P.No.27372 of 2021
and WMP.No.28888 of 2021

AD(CO)
GMY(12/01/2022)