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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

C O R A M

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.27587 of 2017

P.Nancy

...Petitioner

Vs

- 1.The District Collector,
Collectorate,
Salem District.
- 2.The Chief Divisional Retail Sales Manager,
Indian Oil Corporation Limited,
Salem Divisional Office,
234, 1st Floor, NH:7 Salem Bangalore Bye Pass,
Kondalampatti, Salem -636 010.
- 3.The Deputy General Manager (Tech) &
Project Director,
National Highways Authority of India
Office of the Project Director,
No.212-3/D 3-1, Sri Nagar Colony,
Nrasothipatti,
Salem -636 004.
- 4.The Commissioner
Attur Municipality
Municipality Office,
Attur - 636 102
Salem District.
- 5.The Treasurer
CSI Diocesan Office,
256, Race Course,
Coimbatore - 641 018.

6.D.Mahalingam

... Respondents



Prayer Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Mandamus, directing the first respondent herein to consider the petitioner's representation dated 29.04.2016 and to take necessary action for closure of the sixth respondent Petrol Bunk which is situated in Kamarajar Road, bearing No.165-c CSI Complex, Attur Taluk Salem District.

For Petitioner	:	Mr.M.K.Subramanian for Mr.A.Rajakumar
For R1	:	Mr.M.Shahjahan Special Government Pleader
For R2	:	Mr.Mohammed Fayaz Ali
For R3	:	No Appearance
For R4	:	Mr.B.Anand
For R5	:	Mr.S.V.Karthikeyan for Mr.S.Bharathi Rajan
For R6	:	Mr.T.Sellapandian

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, for the issuance of Writ of Mandamus, directing the first respondent herein to consider the petitioner's representation dated 29.04.2016 and to take necessary action for closure of the sixth respondent Petrol Bunk which is situated in Kamarajar Road, bearing No.165-c CSI Complex, Attur Taluk Salem District.

2.The case of the Writ Petitioner is that, she is working as a warden in the CSI High School, Attur. According to her, the sixth respondent running a Petrol Bunk nearby CSI High School without obtaining proper permission from the fourth respondent. For the interest of the School Students, the petitioner has made several representations to the respondents 1 to 3. Since the respondents 1 to 3 have not taken any steps to dispose of the petitioner's representation, the present Writ Petition has been filed.

3.The learned counsel for the petitioner would submit that any Petrol Bunk should situate at 300 meters away from the School. The sixth respondent without obtaining proper permission from the fourth respondent running the Petrol Bunk within 10 meters from the School. Further, the license for running the petrol bunk was also not renewed from the year 2009. In this regard, the petitioner made several representation to the



respondents 1 to 3 and the same was not considered.

4. Per Contra, the learned counsel appearing for the second respondent would submit that they have entered into a lease deed with the fifth respondent -CSI Diocesan, Coimbatore and the sixth respondent has been permitted to run the petrol bunk and he is paying the rent to the second respondent without any default. Further, he submitted that the petrol bunk was functioning in that place for the past 30 years and till date no hazards or difficulty was caused and they are following all the safety measures.

5. The learned counsel appearing for the sixth respondent submitted that due to the personal vengeance, this Writ Petition has been filed by the petitioner. She does not have any independent right to file the Writ Petition on behalf of the School. Therefore, prayed for the dismissal of the Writ Petition.

6. Heard both sides and perused the materials available on record.

7. Upon hearing the learned counsel for the petitioner as well as the respondents, it appears that the petitioner is only a staff working as a hostel warden of the CSI High School, Attur. According to the petitioner, she filed the present Writ Petition in order to protect the interest of the students. The school as well as the petrol bunk started 30 years back, till date without any issue both the petrol bunk and the school have been functioning. The place where petrol bunk is functioning, belongs to the owner of the school. In such view of the matter, this Court is of the opinion that, if the petitioner has any apprehension with regard to the functioning of the petrol bunk, she can very well make a representation to the School Management, who is the appropriate authority to take action against the petrol bunk. The petitioner has filed independent Writ Petition without any authorisation from the School. That apart, according to the petitioner, any petrol bunk should be located 300 meters distance away from the School, however, no regulations has been produced by the petitioner to support her contention that no petrol bunk be set up within 300 meters from the School. On the other hand, the learned counsel appearing for the fifth respondent-School submitted that all the School buildings are situated 300 meters away from the petrol bunk. Therefore, this Court does not find any merit in the present Writ Petition.



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8. In the result, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

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To:

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Municipality Office,
Attur - 636 102
Salem District.

+1cc to Mr.T.Sellapandian, Advocate SR.No.69294
+1cc to Mr.S.Bharathirajan, Advocate SR.No.68840
+1cc to the Government Pleader, SR.No.69548
+1cc to Mr.S.Bharathirajan, Advocate SR.No.68840(31/01/2022)

W.P.No.27587 of 2017

SSD(CO)
CB(20/01/2022)