



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2021

CORAM

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

W.P. (MD)No.7057 of 2021

and

W.M.P. (MD)No.5424 of 2021

A.Malarvizhi

: Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Territory Manager (Retail),
Bharath Petroleum Corporation Limited,
Madurai-625 004.

3.The Joint Chief Controller of Explosives,
140, Rukmani Lakshmipathi Marshalls Road,
Egmore, Chennai - 600 008.

4.The Chief Educational Officer,
Palani Road, Vanivilasamedu,
Dindigul District, Dindigul.

5.Akhilesh

: Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to forebear the respondents from proceeding with the installation work of petrol station being carried out by the fifth respondent in Survey No.132/3D2A1 of Markkampatti Village, Oddanchatram Taluk, Dindigul District and thereby to prevent serious potential hazards to the health, safety and security of the students, their parents and staff members of the nearby Government High School, Markkkampatti Village, Oddaachatram Taluk, Dindigul District.

For Petitioner
For R1 to R4

:Mr.T.Selvam
:Mr.R.Murugan
Additional Government Pleader

ORDER

The petitioner herein filed this Writ Petition seeking issuance of Writ of Mandamus to direct the official respondents to forbear
<https://hcservices.ecourts.gov.in/hcservices/>



the fifth respondent from putting up a petrol bunk on the ground that the location of the petrol bunk may be hazardous to the public health and also it is located within 50 meters from the Government High School endangering the students safety.

2. On a cursory perusal of the affidavit, it could be seen that the petitioner is an allottee of another petrol bunk, which is located close to the petrol bunk to be put up by the fifth respondent, from a different Government Corporation and therefore, she appears to have an axe to grind against the competing interest of the fifth respondent. Therefore, in the guise of upholding public interest, the present Writ Petition has been filed with the view to settle her personal scores with the fifth respondent.

3. This Court has time and again discountenanced such motivated litigations, which are invariably in the nature of achieving the personal agenda of the litigants and in the process mischievously public law remedy of a constitutional jurisdiction is being invoked for serving their ends. As far as this case is concerned, it is a clear case where the petitioner is seeking to prevent her competitor from locating his petrol bunk proximate to her place of business in order to have monopoly over her business. In the said circumstances, this Court is inclined to dismiss this Writ Petition with exemplary cost as the litigation is professed to be premised on a public interest, but actually intended to achieve a collateral purpose.

4. For the aforesaid reasons, this Writ Petition is dismissed with the cost of Rs.5,000/- payable to the Honourable Chief Minister's COVID-19 Fund within a period of two weeks from the date of receipt of a copy of this order. In case the cost is not paid within the stipulated time, the District Collector/first respondent is directed to initiate appropriate revenue recovery proceedings against the petitioner and recover and remit the same as directed by this Court above. Consequently, connected miscellaneous petition is closed.

5. The Registry is directed to mark a copy of the order to the District Collector concerned.

Sd/-

Assistant Registrar (A.E.)

// True Copy //

Sub Assistant Registrar(CS)

cmr



To

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.The Joint Chief Controller of Explosives,
140, Rukmani Lakshmipathi Marshalls Road,
Egmore, Chennai - 600 008.
- 3.The Chief Educational Officer,
Palani Road, Vanivilasamedu,
Dindigul District, Dindigul.

COPY TO:

THE JOINT SECRETARY
THE CHIEF MINISTER'S COVID - 19 FUND CELL,
FINANCE (CMPRF) DEPARTMENT,
GOVT OF TAMIL NADU,
SECRETARIAT CHENNAI 09.

1CC TO MR.T.SELVAM,ADVOCATE SR 14951

GS

04/05/2021

W.P. (MD) No. 7057 of 2021
29.03.2021