



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P (MD)No.9532 of 2021

and

W.M.P. (MD)No.7271 of 2021

R.Ramasamy

... Petitioner

Vs.

1.The General Manager,
Indian Oil Corporation,
Trichy Divisional Office,
Thiruveni 3rd Floor, B-35, Sasthiri Road,
Thillai Nagar, Trichy-18.

2.The District Revenue Officer,
Tanjore District, Tanjore.

3.The Revenue Divisional Officer,
Tanjore, Tanjore District.

4.Suriyamoorthy

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents 1 to 3 from opening Retail Outlet Petrol Bunk in the place of S.No.285/3A, Kananthangudi Melaiyur Village, Orathanadu Taluk, Tanjore District.

For Petitioner

: Mr.C.Prakasam

For Respondents

: Mr.K.Muralidharan

for R.1

:Mr.R.Baskaran

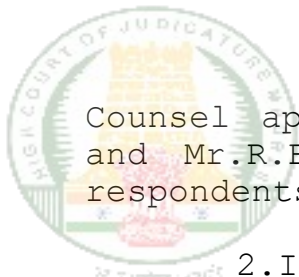
Standing Counsel for Government

for R.2 and R.3

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

We have heard Mr.C.Prakasam, learned counsel appearing for the petitioner, Mr.K.Muralidharan, learned Standing



Counsel appearing for the first respondent-Indian Oil Corporation and Mr.R.Baskaran, learned Government Counsel appearing for the respondents 2 and 3.

2.In the light of the orders we propose to pass in this Writ Petition, notice to the fourth respondent is dispensed with.

3.The petitioner has filed this Writ Petition praying for a direction to the Indian Oil Corporation, the first respondent and the respondents 2 and 3, namely, the District Revenue Officer and the Revenue Divisional Officer, Thanjavur District, from opening the Retail Petroleum Outlet in Survey No.285/3A, Kananthangudimelaiyur Village, Orathanadu Taluk, Thanjavur District.

4.Before we go into the objection raised by the petitioner, we record the submission of Mr.K.Muralidharan, learned Standing Counsel for the Indian Oil Corporation that the fourth respondent has been appointed as their dealer and he has also commenced sales.

5.The objection raised by the petitioner is that the IRC Guidelines has been not followed and without taking note of the prohibitions contained therein, No Objection Certificate has been issued to the fourth respondent for commencing the Retail Outlet. In this regard, a representation was given by the petitioner on 26.10.2020, placing on record the following objections:-

"1.IOC has advertised on 25.11.2018 in Hindu S.No.1517 for setting up retail fuel station at Orathanad Town on MDR but instead of selecting the location on MDR they are setting at SH your NOC diagram shows ingress and egress at SH28.

2.As per IOC advertisement they have invited applications for setting up fuel station only at Orathanad Town on MDR but as per revenue record the selected location of 285/3A is at Village not in Orathanad Town.

3.As per IOC advertisement the minimum required land to setting up fuel station is $30 \times 30 = 900$ sq.meter and also as per IRC norms minimum land required is $35 \times 35 = 1225$ but your chosen location is having only 751 sq. meter (S.No.285/3A). It neither meets the advertisement requirements nor IRC norms.

4.As per IRC Rule 4.5.1 in order to provide safe length for weaving of traffic fuel station along Highway or MDR shall be located at the minimum distance from an intersection ie., intersection with SHs/MDRs is 1000 mts intersection with rural road or approach road is 300 mts. It has clearly said in Honourable Madras



High Court in W.P.No.691 of 2017. But in your NOC diagram clearly reveals that the location of fuel station is very near to intersection.

5.As per IRC Rule 4.6.1 the minimum distance between two fuel station would be 300 mts but as per your diagram required distance is not there to meet the norms."

6.The first respondent, Indian Oil Corporation, has received the representation, dated 26.10.2020 and by letter, dated 28.10.2020 sent by the Deputy General Manager of the Indian Oil Corporation, the petitioner has been informed that the points raised by the petitioner in his letter, dated 26.10.2020, has been noted and appropriate action is being initiated at their end in the matter.

7.The petitioner's grievance is that though such communication was sent as early as on 28.10.2020, the first respondent continued to carry out all the operations and has also made the Outlet functionary. The first respondent, namely, Indian Oil Corporation, having acknowledged the receipt of the representation and also undertook to take appropriate action on the same, are required to send a reply to the petitioner as to whether the objections raised are sustainable or not sustainable. This could ensure fairness inaction. As pointed out earlier, it may be true that the fourth respondent has already commenced operations, which cannot be interfered in this Writ Petition. But, in any event, the petitioner is entitled to know as to why the objections raised by him are not sustainable or otherwise.

8.Mr.K.Muralidharan, learned Standing Counsel for the Indian Oil Corporation, on instructions, submitted that the representation has been considered and appropriate reply has been sent to the petitioner.

9.However, there is nothing on record to show that the representation has been considered and the petitioner has been intimated in writing. Therefore, we dispose of this Writ Petition by directing the first respondent to pass a speaking order on the representation filed by the petitioner, dated 26.10.2020 and communicate the same to the petitioner within a period of 10 days from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

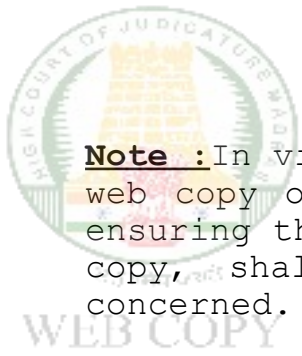
Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The General Manager,
Indian Oil Corporation,
Trichy Divisional Office,
Thiruveni 3rd Floor, B-35, Sasthiri Road,
Thillai Nagar, Trichy-18.
- 2.The District Revenue Officer,
Tanjore District, Tanjore.
- 3.The Revenue Divisional Officer,
Tanjore, Tanjore District.

+1 CC to M/s.C.PRAKASAM, Advocate (SR-18711[F] dated 03/06/2021)

ORDER MADE IN
W.P(MD)No.9532 of 2021
DATED
02.06.2021

AS(11.06.2021)3P 5C