



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.10093 of 2021

and

W.M.P(MD)No.7815 of 2021

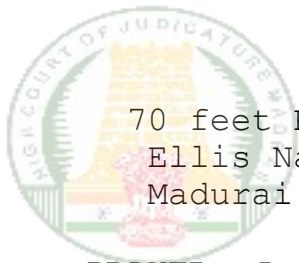
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R.Satheesh Kumar

: Petitioner

Vs.

- 1.The Government of India
Ministry of Petroleum and Natural Gas,
rep. by its Principal Secretary,
Shastri Bhawan, Dr. Rajendra Prasad Road,
New Delhi - 110001.
- 2.The State of Tamil Nadu
rep. by its Principal Secretary,
Department of Highways and Minor Ports,
Fort St. George
Chennai.
- 3.The Divisional Engineer (Highways)
Construction and Maintenance,
Palani Division, Palani,
Dindigul.
- 4.The District Collector
Dindigul District.
- 5.The Joint Chief Controller of Explosives,
A & B Wing, Block 1-8, 2nd Floor,
Shastri Bhavan,
26, Haddous Road,
Nungambakkam,
Chennai - 6.
- 6.The Managing Director
Hindustan Petroleum Corporation Ltd.,
17, Jamshedji Tata Road,
Mumbai - 400 020.
- 7.The Regional Manager
Hindustan Petroleum Corporation Ltd.,
Madurai Retail Regional Office,
1st floor, BSNL CMTS Bhawan,



70 feet Road,
Ellis Nagar,
Madurai - 625 016.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondents 2 and 4 to cancel the "No Objection Certificate" given to the petrol outlets that are situated along with State Highway and Rural Roads violating siting condition and plot size as per Clause 5 (2) I of IRC : 12-2009, particularly the proposed petrol retail outlet of the seventh respondent, situated along with the State Highway Road in SH-74, in S.No. 318/5B in Karunkal Village in Gujiliamparai Taluk in Dindigul District.

For Petitioner : Mr.R.Suriya Narayanan

For 1st Respondent : Mr.M.Karthikeya Venkitachalapathy,

For Respondents 2 to 4: Mr.A.K.Manickam,
Standing Counsel for Government

O R D E R

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

We have heard Mr.R.Suriya Narayanan, learned counsel appearing for the petitioner, Mr.M.Karthikeya Venkitachalapathy, learned counsel appearing for the first respondent and Mr.A.K.Manickam, learned Standing Counsel for Government appearing for the respondents 2 to 4.

2.The petitioner by way of this "Public Interest Litigation" seeks for a direction, upon the respondents 3 and 4, to cancel the "No Objection Certificate" given to the seventh respondent, Hindustan Petroleum Corporation Ltd., to establish a retail outlet in the property comprised in Survey No.318/5B in Karungal Village, Gujiliamparai Taluk, Dindigul District.

3.The learned counsel for the petitioner submitted that he is aware of the orders passed by this Court in earlier Writ petition, but nevertheless in a recent order passed in the Principal Seat on 12.12.2019, in W.P.No.18753 of 2019, directions has been issued to the authorities to take note of the Indian Road Congress (IRC) guidelines.

4.The learned Standing Counsel for Government submitted that the Highways Department, is yet to receive any application and if any application is received, it will be appropriately scrutinized and taking note of the IRC guidelines.



5. In the light of the stand taken on behalf of the Highways Department, we dispose of the writ petition with a direction to take note of the relevant guidelines and instructions given to the Government of India and other authorities and submit a report to the competent authority, for further consideration. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

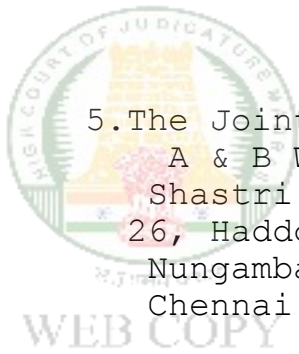
Sub Assistant Registrar (CS)

RM

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 State of Tamil Nadu
rep. by its Principal Secretary,
Department of Highways and Minor Ports,
Fort St. George
Chennai.
2. The Divisional Engineer (Highways)
Construction and Maintenance,
Palani Division, Palani,
Dindigul.
3. The Divisional Engineer (Highways)
Construction and Maintenance,
Palani Division, Palani,
Dindigul.
4. The District Collector
Dindigul District.



5.The Joint Chief Controller of Explosives,
A & B Wing, Block 1-8, 2nd Floor,
Shastri Bhavan,
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Nungambakkam,
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6.The Managing Director
Hindustan Petroleum Corporation Ltd.,
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7.The Regional Manager
Hindustan Petroleum Corporation Ltd.,
Madurai Retail Regional Office,
1st floor, BSNL CMTS Bhawan,
70 feet Road,
Ellis Nagar,
Madurai - 625 016.

+1 CC to M/s.SPL GP (SR-19532[F] dated 17/06/2021)

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KK(22.06.2021) 4P 9C

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