



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.731 OF 2022

AND

W.M.P.NO.801 OF 2022

Mrs.Samboornam

...Petitioner

Vs.

1.The Commissioner of Police,
Coimbatore City,
Coimbatore.

2.The Divisional Engineer (H)
Highways Department,
C & M Division,
Coimbatore-18.

3.M/s.Hindustan Petroleum Corporation Ltd.,
Coimbatore Regional Office,
HP House,
No.18/3, Big Bazaar Street,
Coimbatore-641001.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to issue No Objection Certificate to the 3rd respondent to start up the Retail Outlet at Survey No.675/3 of Kalapatti Village, Avinashi Road, Coimbatore North Taluk, Coimbatore District is situate in the State Highway (SHU-52 Highway) forthwith by considering No Objection Certificate issued by the 2nd respondent in his proceedings in K.No.3553/2019/EVA-1 dated 20.01.2020 within the stipulated time as fixed by this Court.

For Petitioner : Mr.Ilaya Perumal

For Respondent R1 : Mr.R.Murthi
Government Advocate (Crl.Side)

For Respondent R2 : Mr.K.Karthikeyan
Government Advocate



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the 1st respondent to consider the 3rd respondent's representation / reminder dated 24.12.2021 and issue No Objection Certificate (in short NOC) to the 3rd respondent as expeditiously as possible

2. Mr.R.Murthi, learned Government Advocate (Crl. Side) takes notice on behalf of the 1st respondent.

3. The case of the petitioner is that, the 3rd respondent floated a tender vide advertisement dated 25.11.2018 for MS/HSD Retail Outlet Dealership and the petitioner has also applied for obtaining the above said dealership and has got selected for allotment of the Dealership vide communication dated 11.01.2019 and the 3rd respondent issued a Letter of Intent vide proceedings dated 18.10.2019 with condition that the petitioner has to made availability of land measuring 25.0 meters (frontage), 30 meters (depth) at Survey No.675/3 of Kalapatti village, Coimbatore District and the same was available with the petitioner. Hence, the 3rd respondent made application dated 2.10.2019 before the 1st respondent requesting for NOC to establish the Retail outlet and the 1st respondent sent a letter dated 30.10.2019 to the 2nd respondent enclosing the application and sought for detailed report after inspecting the said site. Thereafter, the 2nd respondent vide reply dated 20.01.2020 issued NOC to the 1st respondent and the 1st respondent has also received NOC from various authorities for grant of NOC to the 3rd respondent. While so, the 3rd respondent has also sent several reminder to the 1st respondent for issuance of NOC to establish a Retail Outlet, however, till date no order has been passed. Aggrieved by the in-action of the 1st respondent, this Writ petition is filed.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice if this Court issues direction to the 1st respondent to consider the reminder / representation dated 24.12.2021 submitted by the 3rd respondent and issue NOC to the 3rd respondent to start up a retail outlet within a particular time frame fixed by this Court.

5. The learned counsel appearing for the 1st respondent fairly conceded that, if the petitioner is eligible, her representation / reminder dated 24.12.2021 requesting for issuance of NOC to establish a Retail Outlet will be considered and the same will be disposed of within the time stipulated by this Court.

6. Heard the arguments advance by the learned counsel on either side.



7. In view of the fair submissions made by the learned counsel appearing for the 1st respondent, this Court without expressing any opinion on the merits of the case, directs the 1st respondent to consider the petitioner's representation / reminder dated 24.12.2021 on merits and pass appropriate orders on the same in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

8. This writ petition is accordingly disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

skt

To

1.The Commissioner of Police,
Coimbatore City,
Coimbatore.

2.The Divisional Engineer (H)
Highways Department,
C & M Division,
Coimbatore-18.

3.M/s.Hindustan Petroleum Corporation Ltd.,
Coimbatore Regional Office,
HP House,
No.18/3, Big Bazaar Street,
Coimbatore-641001.

+1cc to Mr.A.Ilaya Perumal, Advocate Sr.No.3883

+1cc to the Government Pleader Sr.No.4281

W.P.No.731 of 2022
and
W.M.P.No.801 of 2022

PCH (CO)
RVM(07/03/2022)