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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M. DHANDAPANI

W.P.No.687 of 2022

Mr. Mohana Ganapathy

.....Petitioner

Vs

1. The Secretary,
Ministry of Road Transport and Highways,
Transport Bhawan, 1, Parliament Street,
New Delhi-110 001.
2. The Division Engineer,
Ministry of Road Transport and Highways,
Vellore-632 001.
3. The Regional Officer,
Ministry of Road Transport and Highways,
C-1-A, Rajaji Bhavan, Besant Nagar,
Chennai-600 090.
4. The Hindustan Petroleum Corporation Ltd
Petro Bhawan, 2nd Floor, New No.82,
TTK Salai, Alwarpet,
Chennai-600 018.
5. The District Collector,
Collectorate, Vengikkal,
Tiruvannamalai -606 604.
6. The District Revenue Officer,
Tiruvannamalai,
Tiruvannamalai District-606 604.
7. The Revenue Divisional Officer,
Tiruvannamalai,
Tiruvannamalai District-606 604.
8. The District Fire Officer,
Vengikkal, Tiruvannamalai,
Tiruvannamalai District-606 604.



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9. The Inspector of Police,
Kalasapakkam Police Station,
Kalasapakkam,
Tiruvannamalai District.

10. Mr. G. Pichandy

..... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus forbearing the respondents from granting permission/NOC for setting up New Fuel Station by the 10th respondent in village survey No.45/1, Naidumangalam Village, Thiruvannamalai Taluk, and District as the same is in Violation of the Guidelines/Norms issued by the Ministry of Road and Transport, Government of India, in No.RW/NH-33020/01/2017 dated 26.06.2020.

For Petitioner : Mr. V. Chandraprabu

For Respondents : Mr. N. Ramesh,
Special Government Pleader for R1 to R3

: Mrs, C. Sangamithirai,
Special Government Pleader for R5 to R8

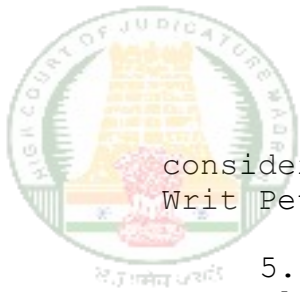
O R D E R

The present petition has been filed seeking a direction to the 1st respondent to restrain the respondents from granting permission/NOC for setting up New Fuel Station by the 10th respondent.

2. Mr. N. Ramesh, learned Special Government Pleader takes notice for respondents 1 to 3 & Mrs. C. Sangamithirai, learned Special Government Pleader takes notice for respondents 5 to 8.

3. Since no adverse order is being passed against the 4th & 10th respondent, notice to the respondents 4 & 10 is dispensed with.

4. It is the case of the petitioner that he has made a representation dated 07.12.2021 to the respondents herein for restraining the respondents from issuing No Objection Certificate to respondents 4 & 10 for setting up of a new fuel station by the 10th Respondent right opposite to the petitioner's fuel station, as the same is in violation of the Guidelines issued by the Ministry of Road and Transport, Government of India. However, till date, the said representation has not been



considered. Hence, the petitioner has come up with the present Writ Petition with the aforesaid relief.

5. Though very many grounds have been raised, the learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the 1st respondent to consider the representation made by the petitioner for restraining the 4th and 10th respondent from setting up of the fuel station, within the time frame fixed by this Court.

6. Learned Special Government Pleader appearing for respondents submits that the petitioner's representation will be considered in accordance with law and appropriate orders will be passed on the same within the time frame fixed by this Court.

7. Heard the learned counsel on the either side and perused the materials available on record.

8. Upon perusal of the materials available on record, this Court without going into the merits of the case, directs the 1st respondent to consider the representation dated 07.12.2021 made by the petitioner and dispose of the same in accordance with law, after affording opportunity of personal hearing to the petitioner and the private respondents 4 & 10, within a period of twelve weeks from the date of receipt of a copy of this Order.

9. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

NHS

To

1. The Secretary,
Ministry of Road Transport and Highways,
Transport Bhawan, 1, Parliament Street,
New Delhi-110 001.
2. The Division Engineer,
Ministry of Road Transport and Highways,
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8. The District Fire Officer,
Vengikkal, Tiruvannamalai,
Tiruvannamalai District-606 604.
9. The Inspector of Police,
Kalasapakkam Police Station,
Kalasapakkam,
Tiruvannamalai District.

+1cc to Mr.V. Chandraprabu, Advocate SR.No.3591

W.P.No.687 of 2022

MT (CO)
GMY (04/03/2022)