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W.P.No.1820 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

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G.Chandrasekaran

... Petitioner

Versus

1.The District Revenue Officer,
Chengalpet District at Chengalpet.

2. The Divisional Engineer (C&M),
Chengalpet,
Chengalpet District.

3. M.s Hindustan Petroleum Corporation Ltd.,
T.T.K Road, Alwarpet,
Chennai-600 018.

... Respondent

Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records relevant to the order in Moo.Mu.2876/2020/M3 dated 12.08.2021 passed by the 1st respondent and quash the same as illegal, improper, unreasonable, against the principles of natural justice and thereby direct the 1st respondent to issue No Objection Certificate for the establishment of the retail MS/HSD outlet in Survey No.101/B2C3, Nelvaipayalam Village, Kanchipuram District in favour of the petitioner.



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For Petitioner : Mr.B.Gopalakrishnan
For Respondents : Mr.K.H.Ravi Kumar
Govt. Advocate
For R.1 and R.2
Mr.Mohammed Fayaz Ali
For R.3

ORDER

This writ petition has been filed challenging the order dated 12.08.2021 passed by the first respondent rejecting the petitioner's application seeking for No Objection Certificate for running a petrol bunk.

2. The petitioner is appointed as a Dealer by the third respondent and it is his case that he has complied with all statutory formalities for setting up of petrol bunk excepting for not obtaining No Objection Certificate from the first respondent. The petitioner has also submitted an application with the first respondent seeking for No Objection Certificate to set up petrol bunk which has been rejected under the impugned order dated 12.08.2021,

3. The petitioner has challenged the impugned order on the ground of violation of principles of natural justice and also on the ground that the said order



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has been passed arbitrarily and illegally without considering the contentions of the petitioner.

4. A counter affidavit has been filed by the respondents denying the petitioner's contention and they would submit that the petitioner has not satisfied the plot size requirements and that is the reason for rejection of the petitioner's application seeking for No Objection Certificate. They would also submit that there is a deviation in the plan submitted by the petitioner with PESO (Petroleum and Explosives Safety Organisation) from the one submitted with the first respondent.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

6. As seen from the impugned order, the contentions raised by the respondents in the counter affidavit filed before this Court are not the reasons given under the impugned order rejecting the petitioner's request for No Objection Certificate. By a cryptic and a non-speaking order, the petitioner's application,



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seeking for issuance of No Objection Certificate has been rejected.

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7. No opportunity of hearing has been granted to the petitioner under the impugned order as per Rule 149 of The Petroleum Rules, 2002. Opportunity of hearing must be granted to the person, who is seeking for No Objection Certificate. In the case on hand, as seen from the impugned order, no such opportunity of hearing was granted to the petitioner.

8. Being a non-speaking order and an order passed by violating the principles of natural justice, the impugned order has to be necessarily quashed and the matter has to be remanded back to the respondents for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner, including granting him the right of personal hearing.

9. For the foregoing reasons, the impugned order dated 12.08.2021 passed by the first respondent is hereby quashed and the matter is remanded back to the first respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of



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personal hearing. The first respondent shall pass final orders within a period of eight weeks from the date of receipt of a copy of this order.

10. The petitioner is permitted to produce all the relevant documents/records for the purpose of getting No Objection Certificate in his favour.

11. This Court has not expressed any view on the merits of the respective contentions.

12. With the above direction, the writ petition is disposed of. No costs.

06.07.2022

sr

Index: Yes/No

Speaking Order/Non-Speaking Order

To

1. The District Revenue Officer,
Chengalpet District at Chengalpet.

2. The Divisional Engineer (C&M),
Chengalpet,
Chengalpet District.



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ABDUL QUDDHOSE, J

sr

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