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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.2079 of 2022

K.Rajaram

.. Petitioner

Vs.

1. The Chief Secretary
Government of Puducherry
Chief Secretariat
Goubert Avenue
Beach Road, White Town
Puducherry - 605 001.
2. The District Collector
O/o District Collector
I - Floor, New Collectorate Building
Vazhudavoor Road
Pettaiyanchathiram,
Puducherry - 605 009.
3. The Deputy Collector (Revenue)- North
Revenue Complex
Ground Floor
No.505, Kamaraj Salai
New Saram, Puducherry - 605 013.
4. The Superintending Engineer
Public Works Department
Circle-I, PWD Complex
Subash Chandra Bose Street
Puducherry - 605 001.
5. The Senior Superintendent of Police - (Traffic)
Pap Complex
Gorimedu, Puducherry.



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6. The Divisional fire Officer
Fire Service Department
Govt. of Puducherry
Housing Board Shopping complex
Near Govt. Staff Quarters
Lawspet, Puducherry - 605 008.

7. The Member Secretary
Puducherry Planning Authority
Jawahar Nagar
Boomianpet, Puducherry - 605 005.

8. V.Parameshwari .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for a writ of Mandamus forbearing the official respondents 1 to 7 herein from according NOC permission for establishment of BPCL petrol bunk at R.S.No.84/2/X & 84/2W/1/B, Thavalakuppam Village, Puducherry Taluk, measuring total extent of Hc 00-10-65 in patta No.802 & 595 by the 8th respondent herein.

For the Petitioner : Mr.P.Dinesh Kumar

For the Respondents : Mrs.N.Mala
Government Pleader (Pondy)
for Respondents 1 to 7

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

The writ petition has been filed for a writ of Mandamus forbearing the respondents 1 to 7 from granting of No Objection Certificate for establishing BPCL Petrol Bunk at the place allocated by the petrol company.

2. Learned counsel for the petitioner submits that the place selected and offered by the eighth respondent-successful applicant is located at the place where NOC cannot be granted, in view of the distance between the petrol bunk and the school and also the distance between the two petrol bunks. The petitioner has also made a representation to the official respondents. He submits that the District Collector is under an



obligation to take a decision after considering the Norms framed by the Government of India dated 26.06.2020.

3. Learned Government Pleader submits that the writ petition is premature and it has been filed suppressing the material facts. Pursuant to the representation made by the petitioner, he was called by the Sub Collector for hearing on the objections made by him and a report was submitted to the Collector for taking a decision either to grant or deny the No Objection Certificate to the eighth respondent. Thus, the petitioner has been given hearing on the objections made by him and the No Objection Certificate has not been granted. Therefore, she prays to dismiss the writ petition as premature.

4. We have considered the rival submissions and perused the records.

5. The writ petition has been filed suppressing the fact regarding the hearing given to the petitioner on the representation made by him. The petitioner was given hearing on 19.01.2022. The writ petition was filed on 24.01.2022, without disclosing the aforesaid fact and we find that the NOC has not yet been granted by the competent authority. Accordingly, the writ petition is premature.

6. In view of the above, the writ petition is dismissed with cost of Rs.5,000/- to be deposited with the Tamil Nadu State Legal Services Authority within 15 days from today. The Registrar Judicial would see the compliance of the payment of cost and if it is not complied with, writ petition may be placed for appropriate orders. It is made clear that if the No Objection Certificate is granted in violation of the Norms framed by the Union of India, the petitioner would be at liberty to take appropriate remedy thereupon, for which, the dismissal of this writ petition would not stand in his way. The cost has been imposed not for filing the writ petition at premature stage, but for the suppression of facts. Consequently, WMP No.2236 of 2022 is also dismissed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

kpl/drm



To:

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Puducherry - 605 005.

Copy to:

1. The Registrar (Judicial),
High Court, Madras-104.



2. The Secretary,
The Tamil Nadu State Legal Service Authority,
High Court, Madras.

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+1cc to M/s.D.Ravichander, Advocate, S.R.No.9316

+1cc to the Government Pleader (Pondy), S.R.No.9291

W.P.No.2079 of 2022

SSN(CO)
SU(18/02/2022)