



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.3742 of 2022

Padmapriya. S

...Petitioner

Vs

1.The District Revenue Officer
Erode District, Erode.

2.The Divisional Engineer,
C & M Highways Department,
Erode.

3.Bharat Petroleum Corporation Ltd.,
Rep. by Territory Manager (Retail),
Ravathur Post, Irugur,
Coimbatore - 641 103.

...Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st Respondent to issue No Objection Certificate for the establishment of MS/HSD Retail Outlet in S.No.76/1G1 (New SF.No.76/1G1A2), Attavanaipudur Village, Anthiyur Taluk, Erode District without reference to IRC No.12 of 2009.

For Petitioner :Mr.E.P.Senniyangiri

For Respondents:Mrs.Geetha Thamaraiselvan

(for R1 & R2)

Special Government Pleader

O R D E R

Mrs.Geetha Thamaraiselvan, learned Special Government Pleader accepts notice for the respondents and is armed with instructions to proceed with the matter finally. Hence, by consent of both sides, this Writ Petition is disposed finally even at the stage of admission.

2. The petitioner has admittedly made an application online as early as on 25.12.2018 in response to the notification issued by R3, i.e., Bharat Petroleum Corporation Limited on 25.11.2018 inviting retail outlet dealership.

3.Mrs.Geetha Thamaraiselvan, on oral instructions, would submit that the Divisional Engineer, arrayed as R2, has raised



an objection for the consideration of the application of the petitioner, on account of which the same has not been processed by ***R1**.

4. Admittedly, the petitioner is well aware of the same and has referred to the objections in paragraph 6 of the affidavit filed in support of this Writ Petition. Hence, it is incumbent upon the petitioner to have put forth her explanation to the objections expressed by R2 for consideration by R3.

5. Learned counsel for the petitioner would further submit that the objections raised relate to the Indian Road Corporation Guidelines (12 of 2009) that would not be applicable to the case of the petitioner, since the proposed outlet is located in a rural area. Certain decisions of this Court are relied upon in this regard. However, I think it is not necessary to refer to the same as the merit or otherwise of the application made by the petitioner would have to be considered by R3.

6. Let a copy of the objections of R2 be furnished to the petitioner as she states, has not officially been served with a copy of the same, to enable her to make a response. Upon receipt of the objection, the application of the petitioner shall be processed by ***R1** and an order passed in accordance with law and in compliance with all applicable guidelines, within a period of six (6) weeks from date of receipt of petitioner's written submissions/explanations.

7. The Writ Petition is disposed as above. No costs.

s/d-
Assistant Registrar(CO)
DATED:29.03.2022

True Copy

***Corrected as per order of
this Court dated 12.04.2022
and made in WP.3742 of 2022
-s/d-**

**Assistant Registrar(CO)
dt 20.04.2022**

//True Copy//

Sub Assistant Registrar



To

1.The District Collector,
Erode District, Erode.

2.The Divisional Engineer,
C & M Highways Department,
Erode.

3.The Territory Manager (Retail),
Bharat Petroleum Corporation Ltd.,
Ravathur Post, Irugur,
Coimbatore - 641 103.

to be substituted the order
already despatched on **30.03.22**

+1 CC to Mr.E.P.Senniyangiri, Advocate sr ***24994**

+1 CC to The Government Pleader sr 13030.

W.P.No.3742 of 2022

GMR(CO)

SP(29/03/2022)

A.SK(21/04/2022)