



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.8864 of 2020

Sundaramoorthi

..Petitioner

Vs.

1. The District Revenue Officer
Tiruppur District
Collectorate Building
Palladam Main Road
Tiruppur 641 604.
2. The Tahsildar
Tiruppur South
Sevanthapalayam
Tiruppur 641 606.
3. The Joint Chief Controller of Explosives
A and D Wing, Block 1 - 8
Shastri Bhavan
No.26, Haddows Road
Nungambakkam, Chennai 600 006.
4. The Divisional Engineer
(Construction and Maintenance Division)
Highways Department
Door No.39, Chikkanna College Road
Kallampalayam, Tiruppur 641 602.
5. The Corporation Commissioner
Tiruppur City Municipal Corporation
Kumaran Road, Noyyal
Tiruppur 641 604.
6. The Divisional General Manager (Retail Sales)
Indian Oil Corporation Limited
Coimbatore Area Office
Indian Oil Bhavan
8/1079, Avinashi Road
Coimbatore 641 018.

..Respondents



Prayer: Petition filed under Article 226 of the Constitution of India Certiorari to call for the records of the No Objection Certificate No. R.Dis. No.3749/2018/C2 dated 01.08.2019 issued by the first respondent in favour of the sixth respondent to open and operate a new Road-side Petroleum Retail Outlet on Tiruppur-Kangayam Road, State Highway (SH-172) at Survey No.187/1, Nallur Village, Tiruppur South Taluk, Tiruppur District 641 606, in close proximity to St. Joseph Matriculation Higher Secondary School and several public/residential buildings and to quash the same.

For the Petitioner : Mr.B.Harikrishnan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for Respondents 1 & 2

Mr.K.Ramanamoorthy, CGC
for Respondent-3

Mr.Md.Fayaz Ali
for Respondent-6

ORDER

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

In this writ petition, a challenge is made to the No Objection Certificate dated 01.08.2019 issued under Rule 144 of the Petroleum Rules, 2002.

2. The challenge is precisely on the ground that it has not been issued on the proforma which was inserted under Rule 144(7) of the Rules, by the Amendment dated 10.08.2018 and therefore, the No Objection Certificate deserves to be set aside.

3. Learned counsel for the respondents could not contest the issue for the reason that the No Objection Certificate has not been issued as per the proforma inserted by way of the Amendment dated 10.08.2018.

4. It is, however, stated that the application to obtain No Objection Certificate was moved prior to the Amendment and thus, the No Objection Certificate was not required to be issued as per the proforma. It is for the reason that on the date of issuance of the No Objection Certificate, the amendment was operative which mandates that the No Objection Certificate should be as per the proforma and that too, after being satisfied on all the requirements given therein.



5. In view of the above, the No Objection Certificate impugned herein cannot be sustained and accordingly, it is set aside. It is, however, with liberty to the Indian Oil Corporation to apply afresh for the issuance of No Objection Certificate to the District Authority, for which, this order would not come in their way. If the respondent Indian Oil Corporation applies for the No Objection Certificate, the District Authority would be expected to take steps within the time frame.

6. With the aforesaid, the writ petition is disposed of. There will be no order as to costs. WMP Nos.10771 and 10774 of 2020 and 4779 of 2021 are closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

kpl

To:

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6.The Divisional General Manager (Retail Sales)
Indian Oil Corporation Limited
Coimbatore Area Office
Indian Oil Bhavan
8/1079, Avinashi Road
Coimbatore 641 018.

+1cc to Government Pleader SR. No. 39818
+1cc to Mr.Mohammed Fayaz Ali, Advocate SR. No. 39502
+1cc to Mr.B.Harikrishnan, Advocate SR. No. 39274
+1cc to Mr.K.Ramanamoorthy, Advocate SR. No. 39169

W.P.No.8864 of 2020

CA (CO)
PR (08/07/2022)