



W.P.No.10904 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.10904 of 2022
and
W.M.P.No.10515 of 2022

V.Lalitha

...Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Revenue,
Secretariat, St.Fort George,
Chennai – 600009.

2.The Additional Chief Secretary to Government,
Highways and Minor Ports Department,
Secretariat, St.Fort George, Chennai – 600009.

3.The District Revenue Officer,
Erode, Erode District.

4.Indian Oil Corporation Limited,
Rep. By its Senior Manager,
8/1079, Avinashi Road,
Coimbatore – 600018.

5.A.Boojarajan

6.M.N.Rajendran

..Respondents



W.P.No.10904 of 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of NOC (No objection certificate) issued by the 3rd respondent dated 25.03.2022, served only on 06.07.2022 and to quash same as illegal, incompetent and against the statutory rules and regulations and consequentially forbearing the 4th and 5th respondents from setting up a company operated petroleum / diesel outlet at R.S.No.530/5 in the agricultural land known as Velliyan Kadu, Kavindapadi, P.Mettupalayam Village, Bhavani Taluk, Erode District in violation of the IRC.12-2016 guidelines and G.O.Ms.25 dated 24.02.2022.

(Prayer amended vide order dt. 25.07.2022 made in WMP.18109/2022 in WP.10904/2022 by AQJ)

For Petitioner : Mr.Sharath Chandran
for Ma.P.Thangavel

For Respondents : Mr.T.Seenivasan
Special Government Pleader for R1 to R3
Mr.R.Ravi for R4
Mr.P.N.Vignesh for R5



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ORDER

This Writ Petition is filed by a rival businessman challenging the No Objection Certificate issued by the 3rd respondent. This Court has repeatedly held that a Writ Petition filed by a rival businessman, challenging the No Objection Certificate granted by the District Authorities for establishment of a petrol bunk should not be entertained, since it will be an infraction of Article 19(1)(g) of the Constitution of India. Hence, this Writ Petition is dismissed without going into the other questions. No costs. Consequently, connected miscellaneous petition is closed.

09.12.2022

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Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order



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WEB COPY To:-

- 1.The Secretary,
State of Tamil Nadu,
Department of Revenue,
Secretariat, St.Fort George,
Chennai – 600009.
- 2.The Additional Chief Secretary to Government,
Highways and Minor Ports Department,
Secretariat, St.Fort George, Chennai – 600009.
- 3.The District Revenue Officer,
Erode, Erode District.
- 4.The Senior Manager,
Indian Oil Corporation Limited,
8/1079, Avinashi Road,
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R.SUBRAMANIAN, J.

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