



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.15749 of 2022

M.Prabakaran

.. Petitioner

vs

1.The District Collector
The Collectorate Office
Chengalpet District.

2.The Tahsildar
Pallavaram Taluk Office
Chengalpet District.

3.Indian Oil Corporation Pvt Ltd.,
Chennai Divisional office
No.500, Anna Salai
Teynampet, Chennai-35.

4.M.Eraniyan

5.M.Thirumal

6.M.Mohanraj

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 2 to take appropriate legal action by considering the petitioner's representation dated 12.06.2022 as per law within time limitation.

For the Petitioner : Mr.K.Gowthaman

For the Respondents : Mr.P.Muthukumar
State Government Pleader
- for RR 1 and 2

Mr.R.Ravi - for R3



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ORDER

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

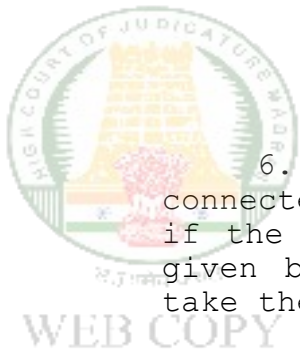
The writ petition has been filed to seek a direction on the respondents 1 and 2 for consideration of the representation made by the petitioner on 12.06.2022. The aforesaid representation is regarding alleged use of Grama Natham land for commercial purposes. It is stated that Grama Natham land cannot be used for commercial purposes.

2. Learned State Government Pleader appearing for the respondents furnished a copy of the No Objection Certificate under Rule 144 of the Petroleum Rules, 2002 and the same is taken on record.

3. Learned counsel for the petitioner has also submitted an additional typed set of papers so as to place on record the No Objection Certificate by the Executive Officer, Tiruvannamalai Municipality dated 20.04.2021 and other documents to show that permission has been granted for the use of the land for commercial purposes.

4. The writ petition has been filed to seek a direction for consideration of the representation where the prayer has been made not to allow the private respondents to use the land for commercial purposes. While making the aforesaid prayer and filing the writ petition, the petitioner ignored the No Objection Certificate issued by the competent authorities so as to challenge it, because in the absence of it, a direction of the nature sought for by the petitioner cannot be given, for the reason that whether the No Objection Certificate was given rightfully or illegally is required to be examined and till such a finding is recorded about the illegality or otherwise, a right is vested in favour of the private respondents and thereby this Court would not affect the right of the private parties unless it is challenged.

5. In the present writ petition, there is no challenge to the No Objection Certificate issued by the competent authorities and thereby the direction for consideration of the representation cannot be given in absence of challenge to the No Objection Certificate.



6. The writ petition is dismissed. No costs. Consequently connected miscellaneous petitions are also dismissed. However, if the petitioner is aggrieved by the No Objection Certificate given by the competent authorities, he would be at liberty to take the remedy against it as provided under law.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kst
To:

1.The District Collector
The Collectorate Office
Chengalpet District.

2.The Tahsildar
Pallavaram Taluk Office
Chengalpet District.

3.The Indian Oil Corporation Pvt Ltd.,
Chennai Divisional office
No.500, Anna Salai
Teynampet, Chennai-35.

+1 cc to Mr.K.Gowthaman, Advocate Sr.NO. 39585
+1 cc to Government Pleader Sr.NO. 39810

W.P.No.15749 of 2022

mg(CO)

A.SK(30/06/2022)