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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2022

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.19526 of 2020

and

W.M.P.No.24146 of 2020

S.Jeeva

...Petitioner

Vs

1. The District Collector,
Office of the District Collector,
Fort Main Road, Salem - 636001.
2. The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Bhavani Road, Mettur Dam,
Mettur - 636401.
3. The Tahsildar (Kadayampatti),
O/o. Tahsildar,
Kadayampatti (P.O.) & (Taluk),
Salem - 636351.
4. Hindustan Petroleum,
Rep. by its Territory Sales Manager,
Salem Retail Regional Office,
Junction Road,
Subramaniya Nagar,
Thiruvagoundanoor (P.O.),
Salem (District) - 636005.

5. P.Munirathinam

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Prohibition, direction in the nature of a writ Prohibiting the respondents 1 to 4 from processing any grant of a license to the fifth respondent to run a retail petrol pump in Survey No.336/4, 337/1B and 337/5 in Danispet Village, Kadayampatti Taluk, Salem District.



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For Petitioner : Mr.N.Karthikeyan
For Respondents-1to3: Mr.TNC.Kaushik,
Additional Government Pleader.
For Respondent-4 : Mr.M.Vijayan
For M/s.King and Patridge
For Respondent-5 : No Appearance

O R D E R

Heard Mr.N.Karthikeyan, learned counsel for the petitioner, Mr.TNC.Kaushik, learned Additional Government Pleader for the official respondents i.e., R-1 to R-3 and Mr.M.Vijayan, learned counsel for R-4. There is no appearance for R-5.

2.All parties agree that the application of R-4, which is pending before the Revenue Divisional Officer, is liable to be heard and disposed in accordance with law and after hearing all parties, including the petitioner, R-4 and R-5.

3. The prayer of the petitioner, an agriculturist, is for a Writ of Prohibition, prohibiting the official respondents from processing the request for a license as sought for by the 5th respondent to run a petrol bunk in Survey Nos.336/4, 337/1B and 337/5 in Danispeth Village, Kadayampatti Taluk, Salem District (property in question).

4.Such a writ cannot be issued, as the authorities cannot be prevented from processing the application that is filed before them, though in accordance with law. Thus it would suffice, and the interests of the petitioner will be protected as well by issuing a direction to R-2 to consider and dispose the application of R-5, after hearing R-5, the petitioner and R-4 expeditiously and in any event within a period of six (6) weeks from today. While passing the order, R-2 shall consider all relevant records germane to the matter including the classification of the property in question in the revenue records as relevant, for proper disposal of the matter.

5.With this, the Writ Petition is disposed. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

Jeni/Svn



To

1. The District Collector,
Office of the District Collector,
Fort Main Road, Salem - 636001.

2. The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Bhavani Road, Mettur Dam,
Mettur - 636401.

3. The Tahsildar (Kadayampatti),
O/o. Tahsildar,
Kadayampatti (P.O.) & (Taluk),
Salem - 636351.

4. The Sales Manager,
Hindustan Petroleum,
Salem Retail Regional Office,
Junction Road,
Subramaniya Nagar,
Thiruvagoundanoor (P.O.),
Salem (District) - 636005.

+1cc to Mr.King Partridge, Advocate, S.R.No.17151

+1cc to Mr.N.Karthikeyan, Advocate, S.R.No.17209

+1cc to the Government Pleader, S.R.No.17789

W.P.No.19526 of 2020

VG-II (CO)
RGA(05/04/2022)