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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.25600 of 2021

A.Thangaraj

...Petitioner

Vs.

1. The Commissioner of Police,
Commissioner Office,
Coimbatore - 641 018.
2. The Zonal Officer,
M/s Nayara Energy Limited,
5th Floor, Mayflower Valencia,
336/2, Avinashi Road, Nava India,
Coimbatore.
3. Mr.K.Kathirvel
Proprietor
M/s Nayara Energy Limited,
MS/HSD Retail Outlet,
New Petrol Pump,
No.29 Kumarapalayam Village,
Perur Taluk, Coimbatore District.

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to direct the 1st respondent herein not to issue the No-Objection Certificate (NOC) to the 3rd respondent herein to start a new Petrol Pump-Retail outlet at SF No.109/02 (PART) T.S.No.69 (PART) 29, Kumarapalayam Village, Perur Taluk, Coimbatore District, based on the petitioner's complaint dated 08.12.2021.

For Petitioner : Mr.S.Silambu Selvan

For Respondent : Mr.E.Raj Thilak
No.1

ORDER

This criminal original petition has been filed to direct the 1st respondent not to issue No-Objection Certificate (NOC) to the 3rd respondent to start a new Petrol Pump-Retail outlet at SF



No.109/02 (PART) T.S.No.69 (PART) 29, Kumarapalayam Village, Perur Taluk, Coimbatore District, based on the petitioner's complaint dated 08.12.2021.

2.The grievance of the petitioner is that the petitioner sent a representation to the Commissioner of Police, Coimbatore, on 08.12.2021 making objections for putting up a new Petrol Pump (MS/HSD retail outlet), which are extracted below:

" I am permanently residing at the above-mentioned address. I respectfully submit that there is a proposal for setting up a new petrol pump (MS/HSD retail outlet) at SF No.109/2 (PART) T.S.No.69(PART), 29, Kumarapalayam Village, Perur Taluk, Coimbatore District. I submit that as per the Petroleum Act and Rules the concerned individual or the company ought to have obtained NOC (No-Objection Certificate) from the Commissioner of Police and other respected officers.

I submit that with regard to the proposal of M/s.Bharat Petroleum Corporation Limited at the above mentioned address at SF No.109/2 (PART) T.S.No.69 (PART), 29 Kumarapalayam Village, Perur Taluk, Coimbatore District, The Commissioner of Police, Coimbatore City had not recommended or rejected the issuance of NOC on 24.08.2020 vide C.No.V2/49835/2019, dated 19.08.2020 based on the non-recommendation by the District Officer, Fire and Rescue Services, Coimbatore District. The reason for non-recommendation or rejection of NOC by the District authorities was in accordance with Rule 144 of the Petroleum Rules, 2002 framed under the Petroleum Act as there are schools, temples and proximity to places of public assembly. The copy of the same is attached along with this representation.

Under these circumstances from the reliable source of information I learnt that NOC for another proposal of M/s.Nayara Energy Limited for setting up a new petrol pump (MS/HSD retail outlet) at S.F.No.109/2 (PART) T.S.No.69 (PART), 29, Kumarapalayam Village, Perur Taluk, Coimbatore District was recommended by the respective officers and is under progression.



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I respectfully submit that there is an intense distortion in the above matter and a keen look in to the above matter for setting up a new petrol pump (MS/HSD retail outlet) at the above - mentioned address at SF No.109/2 (PART) T.S.No.69 (PART), 29, Kumarapalayam Village, Perur Taluk, Coimbatore District is vital and obligatory to verify the authenticity of the NOC issued and Rule 144 of the Petroleum Rules, 2002 framed under the Petroleum Act are complied with. The copy of the Petroleum Rules, 2002 are attached along with this representation.

Hence, I object on issuance of NOC based on public safety and interest and I request your good self to kindly involve in the above-mentioned subject. I request your good self to kindly validate the documents obtained are as per the Petroleum Act and Rules and as per IRC norms and to inquire into the matter at utmost care as the above-mentioned address at SF No.109/2 (PART) T.S.No.69 (PART), 29, Kumarapalayam Village, Perur Taluk, Coimbatore District is perilously close to the schools, temples and are proximity to public assemblies. Thereby request to take necessary action as against the persons involved in acting against the public safety and interest at the earliest and oblige."

3.The site sought for putting up a Petrol Pump- Retail outlet is situated around the Temple, Schools, Mosque and the place where public gather. He further submits that though the District Officer, Fire and Rescue Services, Coimbatore District recommended the issuance of NOC in favour of the third respondent, the Commissioner of Police is yet to pass order and give no objection. His apprehension is that earlier for the same site and for the same purpose, when M/s.Bharat Petroleum Corporation Limited sought NOC, the same was rejected by the Commissioner of Police in C.No.V2/49835/2019 dated 24.08.2020. Now, for the same site and for the same purpose, NOC is attempted to be issued to the third respondent, since the third respondent private enterprises viz., M/s.Nayara Energy Limited., is a well connected with all recourses. Hence, the above petition.

4. This Court finds that earlier for the same site and for the same purpose, the District Officer, Fire and Rescue Services, Coimbatore District, rejected the issuance of NOC to M/s.Bharath Petroleum Corporation Limited and on a perusal of



the materials, it is seen that the petitioner sent a representation to the Commissioner of Police on 08.12.2021 through post. Therefore, the petitioner is directed to appear before the Commissioner of Police along with the copy of the complaint and the relevant documents including the earlier rejection order of issuance of NOC. Thereafter, the Commissioner of Police is directed to consider the same and pass appropriate orders.

5. With the above directions, the criminal original petition is disposed of.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Commissioner of Police,
Commissioner Office,
Coimbatore - 641 018.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Silambuselvan, Advocate, S.R.No.104

CRL.OP.No.25600 of 2021

PL(CO)
RGA(17/02/2022)