



WEB COPY



W.P. No.11031 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.11031 of 2017

and

M.P.Nos.11981 & 11983 of 2017

A.Ponnusamy

... Petitioner

Vs

1.The Additional District Magistrate &
District Revenue Officer,
Dharmapuri.

2.Union of India,
Ministry of Road Transport and Highways,
Transport Bhavan,
No.1, Parliament Street,
New Delhi – 110 001.

3.Bharat Petroleum Corporation Limited,
Rep by Territory Manager (Retail),
Karur Retail Territory Office,
Athur & Kadapparai Village,
Athur Post, Karur – 639 008.

4.V.Chennakrishnan

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a
Writ of Certiorari, to call for the records in D.Dis.No.19875/2016/C3 dated



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22.02.2017 on the file of the first respondent granting NOC to the third respondent to run the petrol bunk in Survey No.7/1C2, Idlappatti Village, Harur Taluk and Dharmapuri District and quash the same.

For Petitioner : No Appearance

For Respondents : No Appearance

ORDER

There is no representation on behalf of the petitioner and the respondents.

2.The petitioner is aggrieved by the “No Objection Certificate” issued by the first respondent to the third respondent to run a petrol bunk in S.No.7/1C2, Idlappatti Village, Harur Taluk and Dharmapuri District.

3.The petitioner appears to have given a representation to the second respondent on 13.02.2017. It is averred in the affidavit that despite the same, the first respondent has given “No Objection Certificate” to the third respondent to install the petrol bunk on the site in violations of guidelines issued by the second respondent/Ministry of Road Transport and Highways, Transport Bhavan, New Delhi – 110 001.



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4.It is noticed that the petitioner had earlier filed writ petition in W.P.No.5264 of 2017 for a mandamus, to forbear the respondents from establishing any petrol bunk at the above mentioned site. The writ petition was however closed with liberty to file a fresh writ petition to challenge the impugned “No Objection Certificate” issued by the first respondent to the third respondent.

5.The case of the petitioner is that the aforesaid site situated on State Highways – 18, Salem – Thirupathur Road, the Government had proposed to widen the road from two lanes to four lanes under the scheme called Tamil Nadu Road Development Scheme – II. It is averred that the Government of Tamil Nadu had issued a public notice to that effect on 10.09.2015 in the news papers and thereafter the State Highways Department conducted the survey and demarcated the boundries. As per the guidelines of the second respondent in para 4.2 of IRC Circular No.12/2009, it was ensured that the location of the proposed fuel station did not interfere with future improvement of the Highways/Road and the nearby intersections/junctions. As per the recitals of the lease deed executed in favour of the fourth respondent, the proposed site is



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very close to the State Highway and it will certainly interfere with the future development of the State Highway No.SH-18 i.e, Salem – Vaniyambadi Road.

6.I have considered the averments of the petitioner in the petition.

7.The petitioner has not filed this writ petition to be as a public spirited person. In case, the petitioner was espousing the interest of general public, the petitioner should have filed this writ petition as a PIL and listed the case before the Hon'ble Division of this Court. On the other hand, the petitioner appears to have a personal grudge. Though the petitioner is making it seen as if public interest is affected and involved, the petitioner appears to have a private interest in the land. Therefore, there is no merits in the present writ petition. This writ petition is therefore liable to be dismissed.

8.Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

29.11.2022

Index: Yes/ No
Internet : Yes/No
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C. SARAVANAN, J.

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