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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2022

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.33354 of 2017

and

WMP No.36801 of 2017

Sripadma Highway Filling Station,
represented by its Proprietor,
Mr.Mudunuri Venkata Satya Suryanarayana Raju,
9-2-221, Knakalapeta, NH-216,
Yanam- 533 463

... Petitioner

Vs.

1. Government of India,
rep. by its Secretary,
Ministry of Surface Transport,
Department of Road Transport and Highways,
Transport Bhavan, 1. Sansad Marg.,
New Delhi.
2. District Magistrate,
Pondicherry,
3. Additional District Magistrate
cum Regional Executive Officer,
Yanam, Union Territory of Puducherry.
4. My Own Eco Energy Private Limited,
1-8-342, Indian Airlines Colony,
Hyderabad-106

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus forbearing the respondents 2 and 3 from issuing the no objection certificate to the 4th respondent to establish petrol retail outlet near the petitioner's place of business at Sripadma Highway Filling Station, No.9-2-221, Karnakalapeta, NH 216, Yanam, as the same will be against the guidelines issued by the first respondent.



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For Petitioner : Mr. Abubacker Sidhic,
for Mr. R.G.Narendhiran

For Respondents : Mr. P. Ayyasamy,
for R1

: Mrs.G. Djearany
for R2 & R3

O R D E R

This writ petition has been filed seeking a direction to the respondents 2 and 3 not to issue any No Objection Certificate to the 4th respondent to establish the Petrol Retail Outlet near the petitioner's retail outlet situated at Sripadma Highway Filling Station, No.9-2-221, Kanakalapeta, NH-216, Yanam, as the same is against the guidelines issued by the first respondent.

2. According to the petitioner, the petitioner's retail outlet is situated in NH-216, National Highways running between Amalapuram and Kakinada. Now, the 4th respondent sought for No Objection Certificate to put up another retail outlet, approximately 100 meters from the existing outlet of the petitioner. Hence, the petitioner raised objection not to give No Objection Certificate to the 4th respondent. Since the said objection was not considered, the present writ petition has been filed.

3. The learned counsel appearing for the respondents 2 and 3, on instructions, submitted that now the application filed by the 4th respondent seeking for No Objection Certificate is pending with the 2nd respondent, and the objection given by the petitioner is yet to be decided. Now, the 2nd respondent is ready and willing to conduct enquiry and pass suitable orders after giving opportunity to the petitioner.

4. Considering the above submission, and also the fact that the application of the 4th respondent is still pending with the 2nd respondent, the 2nd respondent is directed to conduct enquiry and pass suitable orders on merits and in accordance with law, after giving opportunity to the petitioner as well as the 4th respondent. While disposing the application of the 4th respondent, the 2nd respondent is directed to consider the objection raised by the petitioner herein.



5. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

mrp

To

1. Government of India,
rep. by its Secretary,
Ministry of Surface Transport,
Department of Road Transport and Highways,
Transport Bhavan, 1. Sansad Marg.,
New Delhi.
2. District Magistrate,
Pondicherry,
3. Additional District Magistrate
cum Regional Executive Officer,
Yanam, Union Territory of Puducherry.

+1cc to Mr.V.S.Sivasundaram Advocate, S.R.No.26730

+1cc to Mr.P.Ayyaswamy, Advocate, S.R.No.27367

+1cc to the Government Pleader, S.R.No.27051

W.P.No.33354 of 2017

JPL(CO)
SU(26/05/2022)