



W.P.No.26931 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.26931 of 2017
and W.M.P.No.28709 of 2017

P.Gopi

...Petitioner

Vs.

1.The Divisional Engineer,
National Highway Authority,
Sankaranpalayam, Vellore – 1.

2.The District Collector,
Vellore District Collectorate Office,
Vellore.

3.The District Revenue Officer,
Vellore District Collector Office,
Vellore – 9.

4.The Territory Manager,
Bharat Petroleum Corporation Ltd,
No.35, Vaithiyanathan Street,
P.B.No.1152, Tandaiyarpeth, Chennai.

5.S.Ramesh

..Respondents



W.P.No.26931 of 2017

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the 1st and 3rd respondent to withdraw their respective No objection certificates including the No Objection Certificate bearing No.Pa.Mu.C2/11754/2015 dated 30.10.2015 issued in favour of the 4th and 5th respondent for installation of BPCL retail outlet in Survey No.188/2 and 188/4 situated in Kanniyambadi Village in Arni Vellore, National Highway NH234, Vellore District.

For Petitioner : Mr.Meenakshi Sundaram

For Respondents : Mr.V.Yamunadevi
Special Govt. Pleader for R1 to R3

Mr.M.Vijayan for
M/s.King & Patridge for R4

Mr.T.Kalaiselvan for R5

ORDER

The petitioner seeks a Writ of Mandamus directing the respondents to withdraw the no objection certificate granted to the fourth and fifth respondents for installation of BPCL retail outlet on the ground that it is in violation of the distance norms.



W.P.No.26931 of 2017

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2. A Division Bench of this Court in ***Nataraja Agencies v. The Secretary, Ministry of Petroleum and Natural Gas, Government of India, New Delhi and others*** reported in **2005 (1) CTC 394**, has held that a rival business man has no *locus standi* to challenge setting up Petrol Bunk in his business place as having been set up in violation of law. This Court in ***Durairaj Venkatachalam v. The Addl. Chief Secretary, Revenue and Disaster Management Department***, reported in **2019 SCOnline Mad 8587**, held that the distance norms cannot be statutorily enforced. Therefore, I do not find any merit in the Writ Petition. The Writ Petition fails and it is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

14.07.2022

jv

Index: No
Internet: Yes
Speaking order



W.P.No.26931 of 2017

WEB COPY To:-

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W.P.No.26931 of 2017

R.SUBRAMANIAN, J.

jv

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