



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD) No.6174 of 2022

WEB COPY

Sivakumar

.. Petitioner

Vs

- 1.The District Collector,
Pudukottai,
Pudukottai District.
- 2.The District Revenue Officer,
Office of the District Revenue Office,
Pudukottai District.
- 3.The Block Development Officer,
Aranthangi,
Pudukottai District.
- 4.The Chairman,
Corporate Office,
Tamilnadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai - 600 032.
- 5.The Territory Manager,
Indian Oil Corporation Limited,
Divisional Office,
3rd Shesathri Road,
Thillai Nagar,
Trichy District.
- 6.The Divisional Engineer,
Highways Department &
Construction & Maintenance,
Pudukottai District.

7.C.Rajarathinam

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 6 to forbear the 7th respondent from constructing retail petrol bunk in S.F.No.62/2A4, Ettiyattali Village, Aranthangi Taluk, Pudukottai District, by considering the petitioner's representation, dated 18.03.2022.

<https://hcservices.ecourts.gov.in/hcservices/>



For Petitioner

: Mr.Paranjothi for
Mr.K.Ilaiyaraja

For Respondents

: Mr.M.Lingadurai, for RR1, 2, 4, 6
Special Government Pleader

Mr.K.Muraleedharan, for R5
Standing Counsel

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ORDER

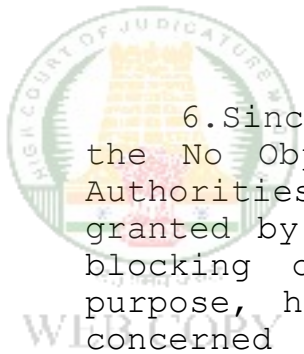
This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 6 to forbear the 7th respondent from constructing a retail petrol bunk in S.F.No.62/2A4, Ettiyattali Village, Aranthangi Taluk, Pudukottai District, by considering the petitioner's representation, dated 18.03.2022.

2.According to the petitioner, the setting up of the retail petrol bunk by the 7th respondent at the aforementioned address has blocked the water channel. The petitioner claims to be an agriculturist. In such circumstances, he has given a representation on 18.03.2022, to the official respondents to forbear the 7th respondent from setting up a retail petrol bunk. Since the representation has not been considered, the petitioner has filed this writ petition.

3.Mr.Paranjothi, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents 1, 2, 4 and 6 and Mr.K.Muraleedharan, learned Standing Counsel, who accepts notice on behalf of the fifth respondent.

4.The learned Special Government Pleader appearing for the official respondents has placed before this Court the No Objection Certificate granted by the District Revenue Officer, Pudukottai to the Indian Oil Corporation, granting No Objection for setting up a retail Petrol Bunk by the 7th respondent at the above mentioned address. Photograph of the subject petrol bunk has also been produced by the learned Special Government Pleader.

5.The learned Standing Counsel appearing for the fifth respondent also submits that the subject petrol bunk has already been Commissioned and now has become operational. The proceedings of the 6th respondent dated 19.10.2020, has also been placed before this Court, wherein, certain conditions have been imposed in the No Objection Certificate issued by the 6th respondent. Necessarily the said conditions will have to be adhered to by the 7th respondent.



6.Since the petrol bunk has already been commissioned based on the No Objection Certificate issued by the respective Statutory Authorities, the relief sought for by the petitioner cannot be granted by this Court. If at all, the petitioner is aggrieved by blocking of water in the water channel meant for agriculture purpose, he is at liberty to give a fresh representation to the concerned statutory authorities and the concerned statutory authorities on receipt of the same shall dispose of the same on merits and in accordance with law.

7.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

Note: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.*

To

- 1.The District Collector,
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Trichy District.

6.The Divisional Engineer,
Highways Department &
Construction & Maintenance,
Pudukottai District.

+1 CC to M/s.K.MURALEEDHARAN, Advocate (SR-16779[F] dated
06/04/2022)

+1 CC to M/s.SPL.GP (SR-17180[F] dated 07/04/2022)

W.P. (MD)No.6174 of 2022
05.04.2022

RD(20.04.2022) 4P 9C