



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2022
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P (MD) No.20493 of 2021
and
W.M.P. (MD) No.17126 of 2021

S.Sudalaimuthu

... Petitioner

Vs.

1.Indian Oil Corporation Limited,
Madurai Divisional Office,
No.2, Race Course Road,
Chokkikulam,
Madurai - 625 002.

2.The District Revenue Officer,
Tenkasi District,
Tenkasi.

3.The Divisional Engineer (C & M),
High Ways Department,
O/o. The Divisional Engineer (H),
A.R.Line Road,
Tirunelveli - 627 002.

4.The Assistant Divisional Engineer (C & M),
Highways Department,
Ambasamuthiram.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent in Letter No.1171/2020-21/Va3 dated 23.04.2021 and quash the same and consequently direct the third and second respondents to issue NOC for the establishment of the retail MS/HSD outlet in Survey No.59A/2 at Ambasamuduram, Alankulam Road, (SH.40B) K.M.7/6 & 8 (Left side), Edaikal Village in favour of the petitioner.

For Petitioner : Mr.B.Sivaraman

For Respondents : Mr.K.Muraleedharan,
Standing Counsel for R1.
Mr.M.Prakash,
Addl. Government Pleader for R2 to R4.



ORDER

Heard the learned counsel on either side.

2.The petitioner had been selected as dealer by Indian Oil Corporation Limited. The petitioner has to obtain NOC from the second respondent. The second respondent can grant NOC only if the third respondent issues NOC. In this case, even though the fourth respondent has recommended the case of the writ petitioner, the third respondent has rejected the petitioner's request by citing IRC guidelines. Challenging the same, the writ petition has been filed.

3.The learned counsel for the petitioner draws my attention to a catena of decisions in which it has been held that IRC guidelines are only directory and not mandatory. In this case, the third respondent has denied the petitioner's request for issuance of NOC only by citing the IRC guidelines. I notice that the fourth respondent who is the field authority has recommended the writ petitioner's case. Since the petitioner's case stood rejected only by citing the IRC guidelines, the impugned communication deserves to be set aside and a positive direction can be issued. In this view of the matter, the impugned order of the third respondent is set aside and the third respondent is directed to issue NOC as sought for by the writ petitioner forthwith and without any delay.

4.The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

ias
To:-

1.The District Revenue Officer,
Tenkasi District,
Tenkasi.

2.The Divisional Engineer (C & M),
High Ways Department,
O/o. The Divisional Engineer (H),
A.R.Line Road,
Tirunelveli - 627 002.



3.The Assistant Divisional Engineer (C & M),
Highways Department,
Ambasamuduram.

+1 CC to M/s.B. SIVARAMAN, Advocate (SR-28336[F] dated 27/06/2022)

+1 CC to M/s.SPL.GP (SR-28535[F] dated 28/06/2022)

W.P (MD) No.20493 of 2021
27.06.2022
(1/2)

SS/01/07/2022/ 3P 6C