



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2022

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20494 of 2021

and

W.M.P. (MD)Nos.17128 and 17129 of 2021

1.Haris Hilton

2.S.Prince Joseph Raj

... Petitioners

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),
Tenkasi - 627 811.

... 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.1027/2020/E.Va.A1 dated 13.08.2021 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.575/1B at Mayammankurichi Village, Alangulam Circle, Tenkasi District in favour of the petitioners.

For Petitioners : Mr.B.Sivaraman

For Respondents : Mr.K.Muraleedharan,
Standing Counsel for R1.
Mr.M.Prakash,
Addl. Government Pleader. For R2 & R3.



ORDER

Heard the learned counsel on either side.

2.The petitioners had been selected as dealer by Indian Oil Corporation Limited. The petitioners have to obtain NOC from the second respondent. The second respondent can grant NOC only if the third respondent issues NOC. The third respondent has rejected the petitioners' request by citing IRC guidelines. Challenging the same, the writ petition has been filed.

3.The learned counsel for the petitioners 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 petitioners' request for issuance of NOC only by citing the IRC guidelines. Since the petitioners' 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 petitioners forthwith and without any delay.

4.The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are 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,
Tenkasi - 627 811.

+2 CC to M/s.B. SIVARAMAN, Advocate (SR-28335[F] dated 27/06/2022)

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