



W.P(MD)No.21331 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21331 of 2021

V.Mahesh Kumar

... Petitioner

Vs.

1.The Hindustan Petroleum Corporation Limited
Madurai Retail Regional Office,
1st Floor, BSNL CMTS Bhavan,
70 Feet Road, Ellis Nagar,
Madurai-626 016.

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

3.The Divisional Engineer (C&M)
High Ways Department,
Tenkasi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the third respondent to issue NOC to the petitioner based on the petitioner's representation dated 08.11.2021 for setting up new petroleum retail outlet in Survey No.652/10 at Ilathur Village, Tenkasi District forthwith.



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For Petitioner : Mr.B.Sivaraman
For R1 : Mr.M.Sridhar
For R2 & R3 : Mr.M.Sarangan
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner has been chosen by the first respondent for setting up their retail outlet at the petition mentioned site. The petitioner sought No Objection Certificate from the second respondent. The second respondent usually grants No Objection Certificate based on the input given by the third respondent. The third respondent had declined to grant No Objection Certificate in view of IRC norms. That led to filing of this writ petition.

3. The learned counsel appearing for the petitioner draws my attention to the Judgment of the Hon'ble Division Bench made in ***W.A.(MD)No.1054 of 2020, dated 26.02.2021(The Divisional Engineer Vs. R.Meenakshi)***. The Hon'ble Division Bench following the decision in ***2016 (15) SCC 480 (Indian Oil Corporation Limited and others Vs. Arti Devi Dangi and another)*** held that IRC guidelines are only recommendatory and not mandatory. It was



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further noted that IRC norms are meant to be used only on highways alone and that too, based on traffic. The proposed retail outlet is not located on any highways. Therefore, the third respondent was clearly not justified in negating the petitioner's request by citing the IRC norms.

4. In this view of the matter, the third respondent is directed to issue No Objection Certificate in favour of the petitioner based on the petition mentioned representation. Such No Objection Certificate shall be issued by the third respondent within a period of three weeks from the date of receipt of a copy of this order and based on the No Objection Certificate to be given by the third respondent, the second respondent will give No Objection Certificate to the petitioner within a period of three weeks thereafter.

5. The Writ Petition is allowed. No costs.

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Index : Yes / No
Internet : Yes/ No
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To

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



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2.The Divisional Engineer (C&M)
High Ways Department,
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