



W.P.(MD)No.22639 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.22639 of 2021

and

W.M.P.(MD)No.19134 of 2021

R.Ramkumar

... Petitioner

Vs.

1.The Chief Divisional Retail Sales Manager,
Indian Oil Corporation Limited,
Madurai Divisional Office,
No.2, Race Course Road, Chokikulam,
Madurai-625 002.

2.The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.

3.The Divisional Engineer,
Highways Department,
Ramanathapuram.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned order passed by the third respondent in Na.Ka.No.251/2021/E.Va.A1/ dated 12.10.2021 and consequently, order passed by the second respondent in



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Mu.Mu.C2/7888/2021 and quash the same and consequently, direct the respondents 2 & 3 to grant No Objection Certificate (NOC) in favour of the petitioner for the proposed petrol / diesel retail outlet of Indian Oil Corporation Limited at Periapattinam, Keelakarai Taluk, Ramanathapuram District as per request letter in RO/202/NOC, dated 03.02.2021 by the first respondent.

For Petitioner : Mr.K.K.Kannan
For R1 : Mr.K.Muraleedharan
For R2 & R3 : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

Heard the learned counsel on either side.

2. The Indian Oil Corporation Limited issued notification in the year 2018 calling for applications for setting up a petroleum retail outlet. The petitioner was chosen as the successful candidate for setting up the retail outlet at the petition mentioned site. Before setting up their retail outlet, the petitioner has to obtain No Objection Certificate from the second respondent. The second respondent will grant No Objection Certificate based on the input given by the third respondent. By the impugned communication, the respondents 2 & 3 have negated the petitioner's request on the ground that IRC guidelines are not satisfied.



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4. 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 also further noted that IRC norms are meant to be used only on highways alone and that too, based upon traffic.

4. In this view of the matter, the impugned communications are quashed. The second respondent is directed to issue No Objection Certificate to the petitioner forthwith and without any delay. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

18.07.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

rmi

To

- 1.The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.
- 2.The Divisional Engineer,
Highways Department,
Ramanathapuram.

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