



W.P(MD)No.27838 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27838 of 2022

Shanthi Manoharan

... Petitioner

Vs.

1.The Regional Manager,
Indian Oil Corporation Limited,
Near Vishalmaal, Race Course Road,
Chokkalingapuram,
Madurai – 02.

2.The Sales Manager,
Indian Oil Corporation,
Tuticorin,
Tuticorin District.

3.Ramanarayani

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing to the 1st respondent to close or shift of 3rd respondent Rural Retail outlet of Fuel Station of Petroleum of Indian Oil Corporation at functioning in the State Highways in Vembar Road, Vilathikulam Taluk, Tuticorin District against State Government Highways G.O.25, Union Government Minister of Transport and highways 'S' and 'R' ('P' and 'B') Section No.RW- NH- 33032/01/2017-'S' and 'R'(R) New Delhi dated 26.06.2020 and Indian Oil Corporation Rules on 23.11.2022.



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For Petitioner : Mr.M.Muniasamy

For Respondents : Mr.K.Muraleedharan,
Standing Counsel for R1 & R2.

ORDER

Heard the learned counsel for the writ petitioner and the learned standing counsel for the respondents 1 and 2.

2.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He points out that the third respondent must be directed to either close or shift her rural retail outlet since the very location is contrary to the petition mentioned government order.

3.I am not persuaded by the said submissions. This is for more than one reason. The location of the third respondent is obviously pursuant to a decisional process. Without questioning the same, a simple writ for issuance of Mandamus cannot be maintained. The petitioner is also running a outlet on her own. The petitioner probably apprehends that her business interest will be affected by the running of the outlet of the third respondent.

4.The process of Writ Court cannot be used to advance such business interests. It is not as if the third respondent had arbitrarily chosen a site on her



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own and she is running the outlet therein. The third respondent had obtained no objection certificate from the competent authority namely, District Revenue Officer. The officials of Indian Oil Corporation would have conducted inspection and satisfied themselves that the site is fit enough for locating an outlet. When after such a long process, the site in question was chosen and the third respondent had already commenced running of the outlet therein, it would not be proper for this Court to interfere. The writ petition stands dismissed. No costs.

12.12.2022

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

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