



WA No.1919 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

WA No.1919 of 2023

M.Ayyanar : Appellant

versus

- 1.The District Collector,  
Salem District 636 001
- 2.The District Revenue Officer,  
Collector Office Campus,  
Salem 636 001
- 3.The District Engineer,  
(Construction & maintenance)  
Highways Department,  
Edappadi Taluk, Salem
- 4.The District Fire Officer,  
Office of Fire Service,  
Sevvaipettai, Salem
- 5.The Territory Manager,  
Bharat Petroleum Corporation Ltd.  
Karur Territory Office, Kadapari Village,  
Erode Road, Attu Post, karur  
Karur District 639 002



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6.P.Vijayan

: Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order dated 04.01.2023 in WP No.11416 of 2020.

For the Appellant : Mr.Athi Veera Rama Pandian

For the Respondents : Mr.P.Muthukumar,  
State Government Pleader,  
Assisted by Mrs.R.Anitha,  
Special Government Pleader,  
for respondents 1 to 4

Mr.M.Vijayan,  
for M/s.King & Patridge,  
for fifth respondent

Mr.M.R.Jothimaniyan,  
for sixth respondent

### JUDGMENT

(Made by the Hon'ble Chief Justice)

Heard Mr.P.Athi Veera Rama Pandian, learned counsel for the appellant, Mr.P.Muthukumar, learned State Government Pleader, for respondents 1 to 4, Mr.M.Vijayan, learned counsel for respondent No.5 and Mr.M.R.Jothimaniyan, learned counsel for respondent No.6.



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2. According to the learned counsel for the appellant, the application of the present respondent No.6 for opening a new petrol bunk cannot be considered by respondent No.5 as it is violative of the mandatory guidelines.

3. It appears that the appellant is not a resident of the village and the Taluk where respondent No.6 is intending to set up the retail outlet for respondent No.5. Directions are already given by the learned Single Judge of this Court in a writ petition filed by the present respondent No.6 bearing WP No.473 of 2022 under order dated 19.01.2022 to consider the application filed by the present respondent No.6 and dispose it of as per the observation made in the said order. The said order, it appears, has become final. The said order is not assailed. In view of the said order holding the field, the Court has directed the representation of the appellant to be decided and communicated by respondent No.5 herein. We do not find any illegality committed in the order.

4. Moreover, it is not a case of public interest litigation also. The



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appellant is not a resident of the village and taluk where the respondent No.6 is intending to erect the retail outlet. He has also not applied for erection of the retail outlet. The appellant cannot be said to be an interested person.

5. The writ appeal accordingly stands disposed of. There will be no order as to costs. Consequently, CMP No.16488 of 2023 is closed.

**(S.V.G., CJ.)**

**(P.D.A., J.)**

**31.07.2023**

Index : Yes/No  
Neutral Citation : Yes/No  
tar



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To

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THE HON'BLE CHIEF JUSTICE  
AND  
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(tar)

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