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W.P.No.8564 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM :
THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

W.P.No.8564 of 2020
and
WMP.No.10353 of 2020

R.Prakash

...Petitioner

Vs.

1. The District collector,
Salem Collector Office,
Collectorate, Salem - 636 001.
2. M/s. Head of Divisional Retail Sales Manager,
Indian Oil Corporation Limited,
Salem Divisional Office,
No.234, 1st Floor, SDLOA Building,
NH 7-Salem-Bangalore By pass Road,
Kondalampatti, Salem - 636 010.
3. The Additional District Magistrate and District Revenue Officer,
Salem Collector Office,
Salem - 636 001.
4. The Divisional Engineer Highways,
NH, Kuranguchavadi, Omalur Main Road,
Salem - 636 004.
5. The Chief Controller of Explosives,
South Circle Office,
No.140, Rukmini Lakshmipathi Road,
Marshalls Road, Egmore, Chennai - 600 008.

6. The Thasildar,

<https://www.mhc.tn.gov.in/judis>



W.P.No.8564 of 2020

Salem West, Sooramangalam,
Salem - 636 005.

...Respondents

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Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to permanently forbear the respondents 1, 3, 4, 5 and 6 from issuing no objection (NOC), Explosives License and other necessary approvals/permissions/consent to the 2nd respondent to open and operate a New road side petroleum Retail outlet at Survey No.71/4, Maramangalathupatti, Salem Taluk and District.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.V.Manoharan, AGP, for R1, 3, 5 & 6

ORDER

The petitioner has filed this Writ petition seeking to permanently forbear the respondents 1, 3, 4, 5 & 6 from issuing No objection (in short 'NOC'), Explosives License and other necessary approvals / permissions / consent to the 2nd respondent to open and operate a New road side petroleum Retail outlet at S.No.71/4, Maramangalathupatti, Salem Taluk and District.

2. The case of the petitioner is that, the petitioner is running a retail outlet of BPCL petrol and Diesel bunk at S.Nos.70/12A, 70/11C-1, Maramangalathupatti, Salem from the year 2012 onwards, after obtaining necessary permissions from the appropriate authority. While so, the 2nd respondent called for a notification to establish a retail outlet at State



W.P.No.8564 of 2020

Highways at Maramangalathupatti and one Kandhasamy was declared as the successful candidate and Letter of Intent (in short "LOI") was also issued in his favour. Consequent to which, steps are being taken to establish a retail outlet at S.No.71/4, Maramangalathupatti, Salem (hereinafter referred as 'proposed site') and the proposed site is existing at 300 meters from the petitioner's existing outlet situated at S.Nos.70/12A, 70/11C-1. If the retail outlet is established in the proposed site, it will be a clear violation of the Indian Road Congress Guidelines, as the same is proposed to be established within the prohibited limit. Therefore, the petitioner made a detailed representation dated 20.05.2020 before the respondents, however, till date, no orders have been passed on the same. Hence, this Writ petition.

3. Heard learned counsel on either side and perused the material documents placed on record.

4. Though the petitioner has come up with this Writ petition seeking necessary direction to permanently forbear the respondents 1, 3, 4, 5 & 6 from issuing No objection (in short 'NOC'), Explosives License and other necessary permissions to the 2nd respondent to open and operate a New road side petroleum Retail outlet at S.No.71/4, Maramangalathupatti, Salem Taluk



W.P.No.8564 of 2020

and District, however, it is pertinent to that, no such alleged license was granted in favour of the said Kandhasamay contrary to the Indian Road Congress Guidelines. If any such license is granted contrary to the IRC Guidelines, the petitioner is at liberty to challenge the same and workout the remedy in the manner known to law.

5. For the reasons aforesaid, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

05.06.2023

skt

NCC : Yes / No
Index : Yes / No
Speaking order : Yes / No

To

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W.P.No.8564 of 2020

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WEB COPY



W.P.No.8564 of 2020

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WEB COPY



W.P.No.8564 of 2020

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