



W.P.Nos.11335, 31669, 35961
of 2019 and 32005 of 2017

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

CORAM

**THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P.Nos.11335, 31669, 35961 of 2019
and 32005 of 2017
and**

**W.M.P.Nos.11662, 11666, 31876, 36872 and 36873 of 2019
and 35160 and 35161 of 2017**

W.P.No.11335 of 2019

N.Rajaboopathy

.. Petitioner

-VS-

1. The District Revenue Officer,
Ariyalur District, Collectorate Campus,
Jayamkondam Road, Ariyalur 621 704.
2. The Joint Chief Controller of Explosives,
Petroleum & Explosives Safety Organisation,
A and D Wing, Block 1-8, Shastri Bhavan,
No.26, Haddows Road, Nungambakkam,
Chennai 600 006.
3. The Divisional Engineer
(Construction and Maintenance),
Highways Department, No.35, K3,
Trichy Main Road, Ariyalur 621 704.



W.P.Nos.11335, 31669, 35961
of 2019 and 32005 of 2017

WEB COPY

4. The Chief Engineer,
Regional Office, Chennai National Highways
Authority of India, SRI Tower, 3rd Floor,
DP-34, SP Industrial Estate, Guindy,
Chennai 600 032.
5. The Divisional Manager,
Nayara Energy Limited,
(Formerly Essar Oil Limited),
5th Floor, Chennai House,
No.7, Esplanade, Chennai 600 108.
6. S.Karuppusamy
(R-6 impleaded as per order made in
WMP.19166/2019 dt.03.09.2019)
7. The Project Director-PIU,
National Highways Authority of India (NHAI),
No.44, 1st Floor, 3rd Main Road,
Pon Nagar, Tiruchirappalli 620 001.
8. The Project Director-PIU,
National Highways Authority of India (NHAI),
Plot No.26, 1st Floor, VGP Nagar West,
Vazhuthareddy Post, Villupuram 605401.
9. The Divisional Engineer (H),
Highways Department, TNRSP-II,
Door No.14, ABdul Salam Street,
Tiruchirappalli 620 020.
(RR7 to 9 impleaded as per order dt.17.09.2019
made in W.M.P.No.26945 of 2019)
10. The Secretary General,
Indian Road Congress, IRC Bhawan,
Kama Koti Marg, Sector-6,
R.K.Puram, New Delhi 110 022.



W.P.Nos.11335, 31669, 35961
of 2019 and 32005 of 2017

WEB COPY

11.The Secretary,
Ministry of Road Transport and Highways,
Transport Bhawan, No.1, Parliament Street,
New Delhi 110 022.
(RR 10 and 11 suo-motu impleaded as per
order dt.10.02.2020 made in WP.Nos.11335
and 31669 of 2019, 25369 & 32005 of 2017) ..Respondents

Petition filed under Article 226 of the Constitution of India
praying for issue of Certiorarified Mandamus to call for the records of
the No Objection Certificate No.R.Dis.No.6297/2018(C1) dated
02.11.2018 issued by the 1st respondent in favour of the 5th
respondent and to quash the same and consequently to permanently
restrain the respondents 1 to 4 from issuing Explosive Licence and any
consent or approval to the 5th respondent to set up and operate a
Pertroleum Retail Outlet at S.F.No.136/3A, 136/3B, Keelapalur Village,
Ariyalur Taluk, Ariyalur District.

W.P.No.31669 of 2019

N.Kannan

.. Petitioner

-VS-

1. The Commissioner of Police,
Salem City Police Office,
Sankari Main Road,
Linemedu, Salem 636 006.
2. The Tahsildar,
Valappadi Taluk,
Valappadi, Salem 636 115.
3. The Joint Chief Controller of Explosives,
A and D Wing, Block 1 - 8, Shastri Bhavan,
No.26, Haddows Road, Nungambakkam,
Chennai 600 006.



W.P.Nos.11335, 31669, 35961
of 2019 and 32005 of 2017

WEB COPY

4. The Divisional Engineer,
National Highways, No.68/136, K.Nedunchallai
Nagar, Salem 636 001.
5. The Deputy Director of Health Service,
No.16, Omalur Main Road,
First Agraharam, Salem 636 001.
6. Hindustan Petroleum Corporation Limited,
Rep. by The Regional Manager,
Salem Retail Regional Office, 1st Floor,
KPN Fuel Service, No.79, Thiruvagoundanur
By-pass Junction Main Road, Salem 636 005.
7. The Secretary General,
Indian Road Congress, IRC Bhawan,
Kama Koti Marg, Sector-6,
R.K.Puram, New Delhi 110 022.
8. The Secretary,
Ministry of Road Transport and Highways,
Transport Bhawan, No.1, Parliament Street,
New Delhi 110 022.
(RR 7 and 8 suo-motu impleaded as per
order dt.10.02.2020 made in WP.Nos.11335
and 31669 of 2019, 25369 & 32005 of 2017) ..Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Mandamus to forbear the respondents from issuing No Objection Certificate (NOC), Explosive License and other approval/permission/consent to the 6th respondent to set up and operate a New Road-side Petroleum Retail Outlet on State High way No.18, at S.F.No.62/3 (part), Masinaickenpatty Village, Valappadi Taluk, Salem District 636 103, adjacent to a cremation ground, a hospital, several dwelling houses and in violation of IRC Circular No.12:2009.



W.P.Nos.11335, 31669, 35961
of 2019 and 32005 of 2017

WEB COPY **W.P.No.31669 of 2019**

N.Kannan

.. Petitioner

-VS-

1. The Commissioner of Police,
Salem City Police Office,
Sankari Main Road,
Linemedu, Salem 636 006.
2. The Tahsildar,
Valappadi Taluk,
Valappadi, Salem 636 115.
3. The Joint Chief Controller of Explosives,
A and D Wing, Block 1 - 8, Shastri Bhavan,
No.26, Haddows Road, Nungambakkam,
Chennai 600 006.
4. The Divisional Engineer (C & M),
T.N.Highways Dept., Highways Compound,
Kuranguchavadi Junction, Salem 636 004.
5. The Deputy Director of Health Service,
No.16, Omalur Main Road,
First Agraharam, Salem 636 001.
6. Hindustan Petroleum Corporation Limited,
Rep. by The Regional Manager,
Salem Retail Regional Office, 1st Floor,
KPN Fuel Service, No.79, Thiruvagoundanur
By-pass Junction Main Road, Salem 636 005.
7. The Secretary General,
Indian Road Congress, IRC Bhawan,
Kama Koti Marg, Sector-6,
R.K.Puram, New Delhi 110 022.



W.P.Nos.11335, 31669, 35961
of 2019 and 32005 of 2017

WEB COPY

8. The Secretary,
Ministry of Road Transport and Highways,
Transport Bhawan, No.1, Parliament Street,
New Delhi 110 022.
(RR 7 and 8 suo-motu impleaded as per
order dt.10.02.2020 made in WP.Nos.11335
and 31669 of 2019, 25369 & 32005 of 2017) ..Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Certiorari to call for the records of the No Objection Certificate C.No.G5/01/012414/2019 dated 09.11.2019 issued by the 1st respondent in favour of the 6th respondent to open and operate a New Road-side Petroleum Retail Outlet on State Highway No.18, at S.F.No.62/3 (part), Masinaickenpatty Village, Valappadi Taluk, Salem District 636 103, adjacent to a cremation ground, a hospital, several dwelling houses and to quash the same.

W.P.No.32005 of 2017

Sivakumar.A

.. Petitioner

-VS-

1. The District Revenue Officer,
Tiruppur District, Collectorate Building,
Palladam Road, Tiruppur 641 604.
2. The Joint Chief Controller of Explosives,
A and D Wing, Block 1 - 8, 2nd Floor,
Shastri Bhavan, No.26, Haddows Road,
Nungambakkam, Chennai 600 034.
3. M/s.Essar Oil Limited,
5th Floor, Chennai House, No.7, Esplanade,
Chennai 600 108.



W.P.Nos.11335, 31669, 35961
of 2019 and 32005 of 2017

WEB COPY

4. The Secretary General,
Indian Road Congress, IRC Bhawan,
Kama Koti Marg, Sector-6,
R.K.Puram, New Delhi 110 022.

5. The Secretary,
Ministry of Road Transport and Highways,
Transport Bhawan, No.1, Parliament Street,
New Delhi 110 022.

(RR 4 and 5 suo-motu impleaded as per
order dt.10.02.2020 made in WP.Nos.11335
and 31669 of 2019, 25369 & 32005 of 2017) ..Respondents

Petition filed under Article 226 of the Constitution of India
praying for issue of Certiorarified Mandamus to call for the records of
the No Objection Certificate NO.R.Dis.No.13048/2016/C2 dated
08.09.2017 issued by the 1st respondent and to quash the same and
consequently, forbear the respondents 1 to 3 from giving permissions/
licenses/supplies to set up and operate the proposed New Road-side
Petrol/Diesel retail outlet at S.F.No.273/2A, No.15, Velampalayam
Village, Tiruppur North Taluk, Tiruppur District 641 652 in order to
prevent hazards to the health, safety and security of the students,
their parents and staff members of the nearby Vetri Vidyalaya School.

For Petitioners in
all WPs.

: Mr.V.B.R.Menon

For Respondents
in WP.11335/2019

: Mr.P.Muthukumar
State Govt. Pleader for RR 1 to 3

: Mr.G.Karthikeyan for R-4

in WP.31669/2019

: Mr.P.Muthukumar
State Govt. Pleader
for RR 1 to 3 and 5

: Mrs.S.R.Sumathy for R-4

: M/s.King and Partridge for R-6

: Mr.B.Sudir Kumar, SCGSC
for RR 7 & 8



W.P.Nos.11335, 31669, 35961
of 2019 and 32005 of 2017

WEB COPY

in WP.35961/2019 : Mr.P.Muthukumar
State Govt. Pleader for RR 1 to 5
in WP.32005/2017 : Mr.P.Muthukumar
State Govt. Pleader for R 1
: Mr.M.Venkadesan for R-3
: No appearance for RR 2, 4 & 5

* * * * *

COMMON ORDER

(Order of the Court was made by The Hon'ble Acting Chief Justice)

Learned counsel for the petitioners submits that the relief sought for in the writ petitions has become infructuous and therefore, the writ petitions may be dismissed as having become infructuous.

Recording the submission of the learned counsel for the petitioners, the writ petitions are dismissed as having become infructuous. No costs. Consequently, connected miscellaneous petitions are also dismissed.

(T.R., ACJ.) (D.B.C., J.)
15.03.2023

Speaking/Non-speaking order

Index : Yes / No
Internet : Yes / No

sra

Page 8 of 10



W.P.Nos.11335, 31669, 35961
of 2019 and 32005 of 2017

WEB COPY

To

1. The District Revenue Officer,
Ariyalur District, Collectorate Campus,
Jayamkondam Road, Ariyalur 621 704.
2. The Joint Chief Controller of Explosives,
Petroleum & Explosives Safety Organisation,
A and D Wing, Block 1-8, Shastri Bhavan,
No.26, Haddows Road, Nungambakkam,
Chennai 600 006.
3. The Divisional Engineer
(Construction and Maintenance),
Highways Department, No.35, K3,
Trichy Main Road, Ariyalur 621 704.
4. The Chief Engineer,
Regional Office, Chennai National Highways
Authority of India, SRI Tower, 3rd Floor,
DP-34, SP Industrial Estate, Guindy,
Chennai 600 032.
5. The Project Director-PIU,
National Highways Authority of India (NHAI),
No.44, 1st Floor, 3rd Main Road,
Pon Nagar, Tiruchirappalli 620 001.
6. The Project Director-PIU,
National Highways Authority of India (NHAI),
Plot No.26, 1st Floor, VGP Nagar West,
Vazhuthareddy Post, Villupuram 605401.
7. The Divisional Engineer (H),
Highways Department, TNRSP-II,
Door No.14, ABdul Salam Street,
Tiruchirappalli 620 020.
8. The Secretary General,
Indian Road Congress, IRC Bhawan,
Kama Koti Marg, Sector-6,
R.K.Puram, New Delhi 110 022.
9. The Secretary,
Ministry of Road Transport and Highways,
Transport Bhawan, No.1, Parliament Street,
New Delhi 110 022.



WEB COPY



W.P.Nos.11335, 31669, 35961
of 2019 and 32005 of 2017

T.Raja, ACJ.
and
D.Bharatha Chakravarthy, J.

(sra)

10. The Commissioner of Police,
Salem City Police Office,
Sankari Main Road,
Linemedu, Salem 636 006.
11. The Tahsildar, Valappadi Taluk,
Valappadi, Salem 636 115.
12. The Divisional Engineer,
National Highways, No.68/136, K.Nedunchallai
Nagar, Salem 636 001.
13. The Deputy Director of Health Service,
No.16, Omalur Main Road,
First Agraharam, Salem 636 001.
14. The Divisional Engineer (C & M),
T.N.Highways Dept., Highways Compound,
Kuranguchavadi Junction, Salem 636 004.
15. The District Revenue Officer,
Tiruppur District, Collectorate Building,
Palladam Road, Tiruppur 641 604.

W.P.Nos.11335, 31669, 35961
of 2019 and 32005 of 2017

15.03.2023