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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.11416 of 2020
and
W.M.P.No.13928 of 2020

M.Ayyanar

.. Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Salem – 636 001.
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Collector office campus,
Salem – 636 001.
- 3.The District Engineer,
(Construction and Maintenance),
Highways Department,
Edappadi Taluk,
Salem.
- 4.The District Fire Officer,
Office of Fire Service,
Sevvaipettai,
Salem.



5.The Territory Manager,
Bharat Petroleum Corporation Limited,
Karur Territory Office, Kadapari Village,
Eroad Village, Attu Post, Karur,
Karur District – 639 002.

6.P.Vijayan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to permanently forbear the respondents from issuing No Objection Certificate (NOC) and other necessary approvals/permissions/consents to open and operate a New Road-side Petroleum Retail Outlet at S.No.180/2, Patta No.2760 situated at KR Thoppur Power Grid, Karukkalvadi Village, Omalur Taluk, Salem District.

For Petitioner	.. Mr.P.Athi Veera Rama Pandian
For R1 to R4	.. Mr.U.Bharanidharan
For R5	.. Mr.M.Vijayan
	For M/s.King & Partridge
For R6	.. Mr.M.R.Jothimanian



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ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a restraint on the respondents, particularly on the 2nd respondent namely, the District Revenue Officer, Salem, from issuing No Objection Certificate to open and operate a new road side petroleum retail outlet at S.No.180/2, Patta No.2760 situated at KR Thoppur Power Grid, Karukkalvadi Village, Omalur Taluk, Salem District.

2.The petitioner is a real estate agent. He is a native of Vedugathampatti Village near Sivadhapuram, Salem District. He is aggrieved by the permission granted to the 6th respondent to open a new petrol bunk at the aforesaid place. He had given a representation to the 5th respondent / the Territory Manager, Bharat Petroleum Corporation Limited, Karur Territory, Karur District on 26.11.2019 and to the 1st to 4th respondents particularly to the District Collector at Salem on 12.05.2020. Seeking examination of the said representation, the present Writ Petition has been filed.



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3.I am placed with an order of a learned Single Judge of this Court dated 19.01.2022 in W.P.No.473 of 2022 filed by the 6th respondent herein, P.Vijayan seeking a direction to the 1st and 2nd respondents therein namely, the District Collector, Salem and the District Revenue Officer, Salem, to give a No Objection Certificate to establish a petrol bunk at the very same place. The learned Single Judge had after examining the facts and also placing reliance on an earlier order dated 20.10.2021 in W.P.No.15877 of 2021 had finally directed that the 3rd respondent therein namely, the Bharat Petroleum Corporation Limited, must act in accordance with the judgement of the Division Bench, which has been extracted in the order and must pass appropriate orders on the application submitted before the 1st respondent seeking No Objection Certificate.

4.It is thus seen that there is a positive direction given in W.P.No.473 of 2022 relating to No Objection Certificate to be granted to the 6th respondent herein. The petitioner herein has raised objections but, the petitioner and all the respondents are bound by the order in W.P.No.473 of 2022 dated 19.01.2022.



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5. In view of that particular fact, the 5th respondent namely, the Bharat Petroleum Corporation Limited and the 1st respondent, the District Collector, Salem may also inform about the order in W.P.No.473 of 2022 dated 19.01.2022 which is binding on them and inform that particular fact to the petitioner herein. Let a disposal in accordance with the same be given to the representations given by the petitioner.

6. Recording as above, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

04.01.2023

Index: Yes/No
Internet: Yes/No
smv



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C.V.KARTHIKEYAN,J.

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