



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

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THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.12882 of 2023

Kabilan Madhan

... petitioner

-Vs-

1. The District Collector,
Salem District, Salem.

2. The District Revenue Officer,
Salem District, Salem.

3. M/s.Bharat Petroleum Corporation Ltd.,
Rep. By its Territory Manager (Retail)
Karur Retail Territory,
Athur & Kadapaarai Village,
Karur.

4. The Divisional engineer,
Construction and Maintenance (C&M)
Highways Department,
Edappadi, Salem District.

5. The Assistant Divisional Engineer,
Construction and Maintenance (C & M)
Highway Department,
Omalur, Salem District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Mandamus directing the respondents 1 and 2 to issue no objection



certificate (NOC) for the establishment of petroleum Retail MS/HSD outlet at Daishpettai to Bommidi in S.No.271/2C, situated at KN Pudur Village, Danishpettai to Bommidi Kadayampatti Taluk, Salem District without referring IRC guidelines so as to enable the petitioner to commencing the dealership as per the letter of intent (LOI) dated 18.01.2020 issued by the third respondent.

For petitioner : Mr. M.R.Jothimanian

For Respondent : Mr.M.Alagu Gautham, GA RR1 & 2
Mr.M.Vijayan
M/s.Kings & Partidge R3

ORDER

This petition has been filed seeking a direction to the respondents 1 and 2 to issue no objection certificate (NOC) for the establishment of petroleum Retail MS/HSD outlet at Daishpettai to Bommidi in S.No.271/2C, situated at KN Pudur Village, Danishpettai to Bommidi Kadayampatti Taluk, Salem District without referring IRC guidelines so as to enable the petitioner to commencing the dealership as per the letter of intent (LOI) dated 18.01.2020 issued by the third respondent.

2. It is the case of the petitioner that in the month November 2018, M/s.Bharat Petroleum Corporation Lt., /3rd respondent issued a notification to call for the application for the petroleum retail outlet dealership location at



Danishpettai to Bommidi, Salem District under Scheduled Caste Community (SC) category in Sl.No.173. In pursuant to the said notification, he has applied through online on 23.12.2018 for the petroleum retail outlet dealership location at Danishpettai to Bommidi, Salem District, for which, the petitioner has produced all the relevant documents to the officials. Pursuant to which, LOI has been issued by the third respondent on 18.01.2020. After all formalities, the third respondent made an application to the second respondent/District Revenue Officer, Salem on 20.01.2020 for issuance of No Objection Certificate (NOC) and the same is pending more than 3 years. The respondents 4 and 5 have been relied upon the guidelines of IRC, but the said guidelines are not mandatory and several petrol bunks are operating in nearby the inter junction of state highways. Whereas the petitioner proposed petrol bunk is no way connected with the village road as alleged by the second respondent and also which is far way from the inter junction of village road. Therefore, the petitioner made a representation on 06.02.2023 to the respondents 1 and 2 to issue NOC for the petroleum retail outlet dealership of Danishpettai to Bommidi, Salem District and the same is pending. Hence, the present writ petition.

3. The learned counsel for the petitioner submitted that the petitioners



application was forwarded by the third respondent to the second respondent and the second respondent summoned the petitioner to produce all the necessary documents. Pursuant to which, the petitioner produced all the documents to the second respondent. However, till date, the second respondent has not passed any order. Therefore, this Court may direct the second respondent to consider the petitioner's request and pass appropriate order within the reasonable time as fixed by this Court.

4. The learned Government Advocate appearing for the respondents submitted that this Court issued a direction to the second respondent to consider the petitioner's representation without reference of IRC guidelines within the reasonable time.

5. The learned Standing Counsel appearing on behalf of the third respondent submitted that this Court may pass orders in terms of the order passed by this Court in WP.No.473 of 2022 dated 09.01.2023.

6. Heard the learned counsel on either side and perused the materials available on record.



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7. In view of the fair submission made by the learned counsel on either side, this Court directs the second respondent to pass orders in terms of the order passed in W.P.no.473/2022 dated 09.01.2023 within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs.

13.06.2023

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To

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2. The District Revenue Officer,
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3. M/s.Bharat Petroleum Corporation Ltd.,
Rep. By its Territory Manager (Retail)
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M.DHANDAPANI, J.

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5. The Assistant Divisional Engineer,
Construction and Maintenance (C & M)
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