



W.P.No.12458 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.12458 of 2020

and

W.M.P.Nos.15369, 15370 and 18085 of 2020

R.Mahalakshmi

... Petitioner

Vs.

1. The Divisional Engineer,
Chennai City Road,
Highways Department,
Saidapet,
Chennai – 600 015.

2. The Commissioner of Police,
Greater Chennai Police,
Chennai – 600 007.

3. Jt.Chief Controller of Explosives,
A&D Wing Block 1-8, 2nd Floor,
Shastri Bhavan, 26, Haddows Road,
Nungambakkam,
Chennai – 600 006.

... Respondents



W.P.No.12458 of 2020

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the third respondent relates to the impugned prior approval No.A/P/SC/TN/14/9267 (P459884) dated 14.11.2019 and to quash the same and consequently, direct the respondents not to grant 'No Objection Certificate' to the Retail Outlet Petrol Pump of Class “A” & “B” Retail Outlet at Survey No.73/1 & 73/2, 200 feet Inner Ring Road, Korattur, Ambattur, Thiruvallur, Tamil Nadu – 600 049.

For Petitioner : Ms.P.D.Theyzovathi
For Respondents : Mr.V.Manoharan
Additional Government Pleader

ORDER

This Writ Petition has been filed to for the records of the third respondent relates to the impugned prior approval No.A/P/SC/TN/14/9267 (P459884) dated 14.11.2019, quash the same and consequently, direct the respondents not to grant 'No Objection Certificate' to the Retail Outlet Petrol Pump of Class “A” & “B” Retail Outlet at Survey No.73/1 & 73/2, 200 feet Inner Ring Road, Korattur, Ambattur, Thiruvallur, Tamil Nadu – 600 049.

2. The learned counsel appearing for the petitioner would submit



W.P.No.12458 of 2020

that though the petitioner filed the Writ Petition for quashing the prior approval granted in favour of the Bharat Petroleum Corporation Limited in the property next door to the petitioner where the petitioner already runs a Retail Outlet of Hindustan Petroleum, it would suffice if this Court may issue a direction to the second respondent for conducting enquiry with regard to 'No Objection Certificate' issued to run a Bharat Petroleum outlet .

3. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

4. Considering the facts and circumstances of the case, this Court without interfering with the prior approval granted by the Deputy Control of Explosives in favour of the Bharat Petroleum Corporation Limited, since the Bharat Petroleum Corporation Limited is not a party to the Writ Petition, this Court is inclined to issue a direction to the second respondent to consider the petitioner's representation dated 27.05.2020 and conduct an enquiry with regard to the issuance of 'No Objection Certificate' for Bharat



W.P.No.12458 of 2020

WEB COPY

Petroleum Corporation Limited in the property situated next to the petitioner's Petroleum Outlet.

5. Accordingly, this Writ Petition is dismissed for non-joinder of necessary parties. No costs. Consequently, connected Miscellaneous Petitions are closed.

06.06.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To

Page 4 of 6



W.P.No.12458 of 2020

WEB COPY

1. The Divisional Engineer,
Chennai City Road,
Highways Department,
Saidapet,
Chennai – 600 015.
2. The Commissioner of Police,
Greater Chennai Police,
Chennai – 600 007.
3. Jt.Chief Controller of Explosives,
A&D Wing Block 1-8, 2nd Floor,
Shastri Bhavan, 26, Haddows Road,
Nungambakkam,
Chennai – 600 006.



WEB COPY



W.P.No.12458 of 2020

M.DHANDAPANI,J.

vji

**W.P.No.12458 of 2020
and
W.M.P.Nos.15369, 15370 and 18085 of 2020**

06.06.2023