



W.P.No.17840 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.17840 of 2023

and

W.M.P.Nos.16963 and 16964 of 2023

R.Punniyamurthy

... Petitioner

Vs.

1. Bharat Petroleum Corporation
Company Limited,
Represented by its Authorised Signatory,
Territory Manager,
Tondiarpet,
Chennai – 600 081.

2. The Divisional Engineer (C&M),
Tamil Nadu State Highways Department,
Kancheepuram Division,
Kancheepuram,
(Formerly Chengalpattu Division,
Chengalpattu).

... Respondents



W.P.No.17840 of 2023

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records on the file of the Divisional Engineer (Highways) C & M, Chengalpattu, in Letter No.326 of 2020/JDO-2, dated 17.07.2020 and quash the same and consequently, direct the Divisional Engineer (Highways) C&M, Kancheepuram, to issue No Objection Certificate for the establishment of the Retail MS/HSD outlet in Survey No.176/4A, 4B, 5A, 5B, Malaipattu Village, Tambaram-Mudichur-Sriperumbudur Road, SH1 10 Kundrathur Taluk, Kancheepuram District in favour of the petitioner.

For Petitioner : Mr.G.Saravana Kumar
For Respondents : Mr.E.Veda Bagath Singh
Special Govt. Pleader for R2

ORDER

This Writ Petition has been filed to call for the records on the file of the Divisional Engineer (Highways) C & M, Chengalpattu, in Letter No.326 of 2020/JDO-2, dated 17.07.2020, quash the same and consequently, direct the Divisional Engineer (Highways) C&M, Kancheepuram, to issue No Objection Certificate for the establishment of the Retail MS/HSD outlet in Survey No.176/4A, 4B, 5A, 5B, Malaipattu Village, Tambaram-Mudichur-Sriperumbudur Road, SH1 10 Kundrathur Taluk, Kancheepuram District in favour of the petitioner.



W.P.No.17840 of 2023

WEB COPY

2. The case of the petitioner is that based on the notification dated 25.11.2018 published by the first respondent, the petitioner has submitted the application for a New Retail Fuel Outlet to the Bharat Petroleum Corporation Limited following IRC 12.2016 guidelines scrupulously and submitted the application in the year 2018 itself which was approved in the year 2019. The letter of intent was received by the petitioner as a successful applicant and intent was issued based on the drawal and interview was conducted by the first respondent and awarded the Dealership. The respondents ought to have seen that the petitioner has submitted the application in the year 2020 and obtained NOC dated 11.06.2020 itself. However, the respondents have cancelled the said NOC by citing the G.O.Ms.No.25, Highways Department, dated 24.02.2022 which has been issued on the directions passed by this Court in W.P.No.18753 of 2019.

3. The learned counsel appearing for the petitioner would submit that the IRC guidelines which was issued in the year 2020 is not applicable to the petitioner, since the petitioner made an application prior to 2020.



W.P.No.17840 of 2023

WEB COPY

However, the impugned order dated 17.07.2020 passed by the second respondent is strictly not rejecting the petitioner's application, however directing the petitioner to resubmit the application as per the IRC guidelines stipulated in IRC.12.2016.

4. The learned counsel for the petitioner would further submit that it would suffice, if this Court may direct the respondents to consider the petitioner's application dated 14.02.2022 already resubmitted by him as per the direction issued in the impugned order dated 17.07.2020 and this Court may also direct the authority to entertain the petitioner's application and pass appropriate orders in terms of order passed by this Court in W.P.Nos.34652 of 2019 and 7280 of 2020 dated 10.08.2021.

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



W.P.No.17840 of 2023

WEB COPY

6. Considering the facts and circumstances of the case that the present impugned order is not a rejection order for issuing No Objection Certificate and in fact the impugned order was passed directing the petitioner to resubmit the application along with enclosures and the petitioner also resubmitted the application on 14.02.2022. Hence, this Court without interfering the order impugned in this Writ Petition, directs the respondents to consider the petitioner's application dated 14.02.2022 and pass appropriate orders on merits and in accordance with law as expeditiously as possible in terms of order passed in W.P.Nos.34652 of 2019 and 7280 of 2020 dated 10.08.2021.

7. With the above observations, this Writ Petition is disposed of.
No costs. Consequently, connected Miscellaneous Petitions are closed.

19.06.2023

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



W.P.No.17840 of 2023

WEB COPY

To

1. The Authorised Signatory,
Bharat Petroleum Corporation
Company Limited,
Territory Manager,
Tondiarpet,
Chennai – 600 081.
2. The Divisional Engineer (C&M),
Tamil Nadu State Highways Department,
Kancheepuram Division,
Kancheepuram,
(Formerly Chengalpattu Division,
Chengalpattu).



WEB COPY



W.P.No.17840 of 2023

M.DHANDAPANI, J.

vji

**W.P.No.17840 of 2023
and
W.M.P.Nos.16963 and 16964 of 2023**

19.06.2023