



WP No.24283 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

WP No.24283 of 2023
and WMP No.23743 of 2023

Ramesh.K

... Petitioner

-VS-

1. The District Revenue Officer,
Erode District, Collectorate Complex,
State Highway 96, Opp.District Court,
Palayapalayam, Erode -638 001.
2. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
CMP Plot, SIDCO Industrial Estate,
Chennimalai Road, Erode 638 001.
3. The Joint Chief Controller of Explosives,
South Circle, Chennai Petroleum and
Explosives Safety Organisation (PESO),
A and D Wing, Block 1-8, 2nd Floor,
Shastri Bhawan, No.26, Haddows Road,
Nungambakkam, Chennai 600 006.



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4. The Regional Director,
Central Pollution Control Board,
Regional Directorate (Chennai),
2nd Floor, 77-A, South Avenue Road,
Ambattur Industrial Estate, Chennai 600 058.
5. The Divisional Engineer
(Construction and Maintenance)
Highways Department,
Poondurai Road, Bharathi Nagar,
Moolapalayam, Erode 638 002.
6. The Territory Manager,
Bharat Petroleum Corporation Ltd.,
Coimbatore Retail Territory Office,
Ravathur Post, Irugur (Via),
Coimbatore 641 103.
7. G.Chithra Dvei
Respondents

...

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to forbear the 6th respondent from construction, erection and operation of the proposed road side new petroleum retail outlet allotted to 7th respondent on Erode to Arachalur State Highway at Survey Field No.139/2D, Aval Poondurai Town Panchayat, Modakurichi Taluk, Erode District, in gross violation to Addendum dated 16.08.2021 to the Siting Criteria prescribed under the Office Memorandum No.B-13011/1/2019-20/AQM/10802-10847 dated 07.01.2020 issued by Central Pollution Control Board, the Judgment of Hon'ble Apex Court in IOCL & Ors. vs. VBR Menon, reported in 2023 SCC Online SC 257 and the G.O. (Ms.) No.25 dt. 24.02.2022 Highways Minor Ports (HN2) Department.

For the Petitioner : Mr.V.B.R.Menon

For the Respondents : Mr.K.Karthik Jagannathan
Govt. Advocate
for RR 1 and 5



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ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.V.B.R.Menon, learned counsel for the petitioner and Mr.K.Karthik Jagannathan, learned Government Advocate, for respondent Nos.1 and 5.

2. It is submitted by the learned Government Advocate that application for 'No Objection Certificate' is pending with the authority.

3. Mr.Menon, learned counsel for the petitioner, submits that after filing of the writ petition, the Deputy Chief Controller of Explosives for Joint Chief Controller of Explosives has communicated the Bharat Petroleum Corporation Limited to inform the office whether approval/grant of licence has been obtained for taking further necessary action. The objections raised by the petitioner are forwarded to the Bharat Petroleum Corporation Limited by the Ministry of Commerce and Industry.



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4. In view of that, as the enquiry has already commenced, the purpose of the writ petition stands served.

5. It is submitted by the learned counsel for the petitioner that the 4th respondent has also communicated that the second respondent has asked the first respondent about the environmental clearance.

In view of the above, the writ petition stands disposed of. There will be no order as to costs. In case, according to the petitioner, if the permission is granted flouting the norms, then liberty to the petitioner to approach afresh. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(P.D.A., J.)

19.09.2023

Index : Yes/No

Neutral Citation : Yes/No

sra



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