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W.P.No.27975 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.27975 of 2021
and WMP.Nos.29544 & 29545 of 2021

P.Madhavi

... Petitioner

Vs.

- 1.The Additional District Magistrate
and District Revenue Officer, Chengalpet
Chenglepet.
- 2.The Chief Controller of Explosives
Petroleum and Explosives Safety Organisation (PESO)
A Block, CGO Complex, 5th Floor, Seminary Hills
Nagpur, State of Maharastra - 440 006.
- 3.The Joint Chief Controller of Explosives
Petroleum and Explosives Safety Organisation (PESO)
A&D Wing, Block 1-8, Second Floor, Shastri Bhavan
No.26, Haddows Road, Nungambakkam
Chennai - 600 006.
- 4.The Revenue Divisional Officer
Chengalpet.
- 5.The Chief Manager
Indian Oil Corporation Limited
Chennai Divisional Office
No.500, Anna Salai, Teynampet, Chennai - 600 018.



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6.Kothandaraman Mudaliar

... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for a Writ of Certiorarified Mandamus calling for the records relating to the order of the first respondent herein in Rc.No.21742/2015/M3 dated 19.11.2021, quash the same and consequently direct the respondents herein to permit the petitioner to shift the petrol bunk from survey No.2278/1A2 (adjacent land) to the actual leasehold land in survey No.2278/1A2 of Palur Village in respect of which, no objection certificate bearing No.Rc.46520/2007/U1 dated 01.03.2008 and the licence in No.P/SC/TN/14/5362 (P 205727) dated 03.02.2009 was granted by the Respondents No.1 and 3 respectively.

For Petitioner : Ms.S.Meenakshi

For Respondents : Mr.C.Kathiravan
Special Government Pleader for R1, R4
Mr.N.Sivaprakash for R6
Mr.B.Sudhir Kumar
Senior Panel Counsel for R2, R3

ORDER

This case falls within a narrow compass. The petitioner is a dealer of petroleum products, and has obtained a licence from the fifth respondent to run its bunk. For the said purpose, the petitioner entered into a lease agreement with the sixth respondent. The petitioner complied with all necessary norms of obtaining the licence, and accordingly, the licence was



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also granted. However, when she came to establish the petrol bunk, the petitioner chose not to utilise the land that she obtained in lease from the sixth respondent, but established outside the property leased, which also belonged to the sixth respondent. This is not in dispute. Now according to the petitioner, at the instance of her landlord (the sixth respondent), the first respondent herein had withdrawn the NOC, consequent to which, the fifth respondent had cancelled the licence. Challenging the order withdrawing the NOC by the first respondent, the petitioner is now before this Court.

2. The learned counsel for the petitioner fairly conceded that the petrol bunk was not put up within the property leased to her, but on the adjacent property. But added that she was running the petrol bunk for close to seven years, and the sixth respondent though knew about it, did not raise any objection.

3. It is not some kind of concession that the sixth respondent can give the petitioner. The norms for the very grant of licence requires a specific property in which the petrol bunk is required to be installed, and NOC is essentially granted where the petrol bunk is intended to be established. Here even if the the six respondent is accommodative to petitioner's ambition, yet this Court is



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not inclined to support that idea. To repeat, the licence is given for a specific site, and the licensee of petroleum products has no right to shift the site without notice to the authorities, but that precisely has happened. Since the licence is recalled essentially because the petitioner has shifted the site, this Court considers that the first respondent was well within his authority to pass an order that he had passed on 19.11.2021. Hence, this Court does not intend to interfere with the said order.

4. In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

13.07.2023

Index : Yes / No
Speaking order / Non-speaking order
ds



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N.SESHASAYEE.J.,

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