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W.P.No.33462 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.33462 of 2019

and

W.M.P.No.33931 of 2019

M.Dhineshkumar

... Petitioner

Vs.

1. The District Revenue Officer,
Erode District,
District Collectorate,
Erode.

2. The Divisional Engineer,
State Highways,
Gobichettipalayam Division,
Gobichettipalayam,
Erode District.

3. Imran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 1 and 2 from conducting an enquiry on the application of the third respondent for grant of No Objection Certificate for establishment of Petroleum Retail Outlet for Bharat Petroleum Corporation, without considering the representation of the petitioner dated 21.02.2019.



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For Petitioner : Mr.A.Sundara Vadhanan
For Respondents : Mr.K.M.D.Muhilan
Additional Government Pleader
for R1 and R2

ORDER

This writ petition has been filed seeking for issuance of a writ of mandamus to forbear the respondents 1 and 2 from conducting an enquiry on the application of the third respondent for grant of No Objection Certificate for establishment of Petroleum Retail Outlet for Bharat Petroleum Corporation, without considering the representation of the petitioner dated 21.02.2019.

2. It is the case of the petitioner that it is a dealer in HPC and running a petroleum retail outlet. The Bharat Petroleum Corporation expressed its intention for petroleum outlet in Athani-Sathyamangal Road, for which the third respondent has applied for the same and BPCL is inclined to allot retail outlet to the third respondent and the third respondent has to obtain No objection from the respondents 1 and 2 for which before issuing the No Objection Certificate the respondents 1 and 2 had to conduct field inspection as per the guidelines of the Indian Roads Congress. However, without adhering to the guidelines issued in the Indian Roads Congress, the third



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respondent is trying to obtain No Objection Certificate from the respondents 1 and 2. Therefore, the present petition is filed to forbear the respondents 1 and 2 from conducting any enquiry on the application of the third respondent for grant of No Objection Certificate without considering the representation of the petitioner dated 21.02.2019.

3. Learned counsel for the petitioner submits that the third respondent made an application seeking No Objection Certificate for establishment of Petroleum Retail Outlet for Bharat Petroleum Corporation before the official respondents wherein the retail outlet of the third respondent is proposed to be put up within 100 metres from the petitioner's retail outlet. It is further submitted by the learned counsel for the petitioner that in order to obtain No Objection Certificate, the official respondents had to conduct field inspection on the application submitted by the third respondent, but the official respondents have not conducted any field inspection. However, without adhering to the guidelines issued in the Indian Roads Congress, the third respondent is trying to obtain No Objection Certificate from the official respondents. Hence he prayed for passing appropriate orders.

4. Learned Additional Government Pleader appearing for the



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respondents 1 and 2 submitted that if the third respondent has filed an application before the respondents 1 and 2 seeking No objection Certificate appropriate orders will be passed after affording an opportunity of hearing to the petitioner in the manner known to law.

5. Considering the facts and circumstances of the case, this Court without expressing any opinion on the merits of the case directs the respondents 1 and 2 to consider the petitioner's representation dated 21.02.2019 by affording an opportunity of hearing to the petitioner before processing the application of the third respondent. Such an exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

03.04.2023

Index : Yes / No
Speaking order / Non speaking order
Netrual Citation Case : Yes / No
(rap)

To



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M.DHANDAPANI, J.

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