



W.P(MD)No.19279 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED:25.04.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**

**W.P(MD).No.19279 of 2022**

**and WMP(MD)Nos.14065, 14068 and 19291 of 2022**

1. K.N.Shanmugam
2. S.Harikandhan
3. S.Sakthivel
4. B.Vinoth Kumar

... Petitioners

**Vs**

1. The Transport Commissioner,  
Chepauk, Chennai – 5.
2. The Commissioner of Police,  
Trichy District.
3. The District Revenue Officer,  
Tiruchirapalli District, Collectorate Campus,  
Tiruchirapalli - 620 001.
4. Trichy City Municipal Corporation,  
Through its Commissioner,  
Trichirapalli.



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5. Shell India Markets (P) Ltd.,  
Plot No.7, Bangalore Hardware Park,  
Shell Technology Centre, Devanahalli  
Industrial Park, Mahadeva Kodigehalli,  
Bangalore - 562 149.

... Respondents

**Prayer:**Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order, dated 13.06.2022 in R.No. 35065 / M2 / 2021 on the file of the 1st respondent and quash the same as arbitrary illegal and without jurisdiction and consequently direct the first respondent to hear all interested person including the petitioners and pass such other suitable orders.

|                 |                                              |
|-----------------|----------------------------------------------|
| For Petitioners | :Mr. H.Lakshmi Sankar                        |
| For R1 to R3    | :Mr.J.Ashok<br>Additional Government Pleader |
| For R4          | :Mr.K.R.Kishore Ramu                         |
| For R5          | :Mr.B.Muneswaran                             |

### **ORDER**

This writ petition has been filed in the nature of Certiorarified Mandamus, seeking an interference with the order, dated 13.06.2022 in R.No. 35065/M2/2021, on the file of the first respondent/Transport Commissioner, Chepauk, Chennai.

2.There are five petitioners. They have joined together to ensure



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that the fifth respondent does not open the petrol bunk.

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3.It is a petrol bunk, which is to be run by the Company namely Shell India Markets (P) Ltd. The learned counsel for the fifth respondent stated that the entire operation is at very nascent stage. After obtaining no objection certificates from various authorities, the fifth respondent will process the erecting of other equipments.

4.The second respondent herein, the Commissioner of Police, Trichy District, had refused to grant no objection certificate.

5.It is seen that the petitioners are residents of Ragavendra Apartments and the fifth respondent had taken a decision to put up a petrol bunk just across the road. The first respondent is the Appellate Authority. The main grievance of the petitioners, which was raised by the learned counsel for the petitioners, is that the Appellate Authority has passed the impugned order, without putting the petitioners on notice. The Appellate Authority had heard the fifth respondent and the second respondent, but not the petitioners herein. The second respondent had refused to issue no



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objection certificate, on the basis of the objections raised by the petitioners herein. Therefore, the first respondent should have put the petitioners on notice. Issuing notice to the second respondent would only been exercise in futility as the second respondent can only state what he had stated in the order and there is no possibility of an alternative view. If the petitioners were put on notice, probably an alternative view or approach may have been gained and reasoned out and probably the safety measures could have been regulated. Therefore, the impugned order is set aside and the matter is remitted to the first respondent.

6.The first respondent is directed to issue notice not only to the fifth respondent, but also to the petitioners. On receipt of notice, the fifth respondent and not all the petitioners, but any one of them may appear before the first respondent and thereafter, let fresh orders be passed by the first respondent based on the materials produced. The first respondent may issue notice to the petitioners and the fifth respondent for appearance in the **second week of May, 2023**, and endeavour to complete the appeal proceedings on or before **15.06.2023**.



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7. With the above directions, this writ petition stands disposed.

No costs. In view of that particular order, other connected miscellaneous petitions become otiose and closed.

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NCS : Yes/No  
Index : Yes/No  
Internet: Yes/No

PNM

To

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3. The District Revenue Officer,  
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Tiruchirapalli - 620 001.
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Through its Commissioner, Trichirapalli.



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**C.V.KARTHIKEYAN, J.**

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ORDER IN  
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