



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15405 of 2015

and

MP(MD)Nos.1 & 2 of 2015 & WMP(MD)No.4570 of 2016

G.Venkatesh

... Petitioner

Vs.

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The District Revenue Officer,
Thanjavur.
- 3.The Revenue Divisional Officer,
Kumbakonam, Thanjavur District.
- 4.The Tahsildar, Papanasam Taluk,
Papanasam, Thanjavur District.
- 5.The Divisional Manager,
Indian Oil Corporation Ltd.,
Trichy Divisional Office,
Triveni 3rd Floor,
B-35, Shastri Road, Thillai Nagar,
Trichy.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of 2nd respondent in Na.Ka.No. 27917/2012/E4 dated 12.03.2015 and quash the same and direct the 2nd respondent to issue no objection certificate to run petroleum outlet in S.F.No. 303/5 of Ganapathi Agraharam Village, Papanasam Taluk, Thanjavur District to the petitioner for the 5th respondent.

For petitioner : Mr.AN.Ramanathan

For Respondents : Mr.D.Gandhiraj,
Special Government Pleader for R1 to R4

Mr.K.Muralidharan for R5

ORDER

Heard the learned counsel on either side.

2.The petitioner applied to Indian Oil Corporation for being granted the petroleum retail outlet dealership. The land identified by the petitioner has been classified as Nanjai land. Therefore, the District Revenue Officer, Thanjavur declined to give NOC. The learned counsel for the petitioner draws my attention to the stand earlier taken by the District Revenue Officer, Thanjavur in favour of the petitioner. One Pari, Advocate had raised objections



and it was rejected. The Revenue Divisional Officer, Kumbakonam had also written to the DRO, Kumbakonam vide letter dated 14.08.2012 recommending issuance of NOC. But the DRO by the impugned order dated 19.11.2012 had made it clear that since the land has been classified as Nanjai in the revenue record, it is not possible to issue NOC.

3.I cannot fault the District Revenue Officer, Kumbakonam since the land has been classified as Nanjai. But in the order passed by the District Revenue Officer, no reason has been set out. For re-classification of the user, the petitioner has to necessarily obtain permission from the District Collector, Thanjavur. Therefore, the petitioner is directed to approach the District Collector, Thanajvur by submitting an application in this regard. The District Collector will consider the petitioner's request and pass orders on merits and in accordance with law within a period of eight weeks thereafter. If the District Collector grants permission to the petitioner herein, for change of user, the District Revenue Officer, Kumbakonam shall issue NOC sought for by the petitioner. I am issuing this positive direction in the event of the District Collector considering the petitioner's request.



4. Granting such liberty and the aforesaid direction, this writ petition is disposed of. No costs. Connected miscellaneous petitions are closed.

26.09.2023

Index : Yes / No
Internet : Yes/ No
skm

To

1. The District Collector,
Thanjavur District, Thanjavur.
2. The District Revenue Officer,
Thanjavur.
3. The Revenue Divisional Officer,
Kumbakonam, Thanjavur District.
4. The Tahsildar, Papanasam Taluk,
Papanasam, Thanjavur District.



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G.R.SWAMINATHAN, J.

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and
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