



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

**DATED : 26.09.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.15668 of 2015  
and  
MP(MD)Nos.1 & 2 of 2015**

G.Venkatesh

... Petitioner

**Vs.**

The Divisional Manager,  
Indian Oil Corporation Ltd.,  
Trichy Divisional Office,  
Triveni 3<sup>rd</sup> Floor, B-35 Shastri Road,  
Thillai Nagar, Trichy

... Respondent

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the proceedings of the respondent in TCHDO/LOI/Ganapathi Agraharam dated 12.08.2015 and quash the same.

For petitioner : Mr.AN.Ramanathan

For Respondents : Mr.K.Muralidharan



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## **ORDER**

Heard the learned counsel on either side.

2.The petitioner applied for being appointed as Petroleum Retail Outlet Dealer. Letter of Intent (LOI) was issued in favour of the petitioner. The petitioner could not obtain NOC from the District Revenue Officer, Thanjavur. The rejection order passed by the DRO was put to challenge in WP(MD)No. 15405 of 2015. The said writ petition has been disposed of by me in the following terms :

*"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*



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*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.Granted such liberty and the aforesaid direction, this writ petition is disposed of.”*

3.The impugned order came to be passed only in view of the order passed by the District Revenue Officer. Since time limit has been given for consideration of the petitioner's application, the petitioner's rights will abide by the outcome of the mandate issued in WP(MD)No.15405 of 2015. I am passing this order only for the reason that the petitioner had obtained an order of interim injunction at the admission stage of this writ petition and it is still in force. The learned counsel for the petitioner states that no other person has been placed in the place of the petitioner as dealer.



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4.This writ petition is disposed of. No costs. Connected miscellaneous petitions are closed.

**26.09.2023**

Index : Yes / No  
Internet : Yes/ No  
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**G.R.SWAMINATHAN, J.**

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