



W.A.(MD)No.1981 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.1981 of 2023

and

C.M.P.(MD)No.15564 of 2023

Subashini

Vs.

... Appellant

- 1.The District Collector,
District Collectorate,
Nagercoil, Kanyakumari District.
- 2.The District Revenue Officer,
District Collectorate,
Nagercoil, Kanyakumari District.
- 3.The Executive Officer,
Kollemcode Town Panchayat,
Kollemcode Post, Kanyakumari District-629 160.
- 4.The Tahsildar,
Tholayavattam,
Kanyakumari District-629 171.
- 5.The Village Administrative Officer,
Kollemcode (A) Village,
Kollemcode Post, Kanyakumari District-629 160.



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6.The District Environment Engineer,
Tamil Nadu Pollution Control Board,
No.318/46a, Water Tank Road,
Nagercoil, Kanyakumari District-629 001.

7.The Chief Divisional Retail Sales Manager,
Indian Oil Corporation Limited,
Madurai Divisional Office,
No.2, Race Course Road,
Chokkikulam, Madurai-625 002.

8.Anil Kumar.T.V.

...Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed in W.P.(MD)No.20228 of 2022, dated 14.08.2023 on the file of this Court.

For Appellant	: Mr.C.K.M.Appaji
For R1 to R6	: Mr.S.P.Maharajan, Special Government Pleader
For R8	: Mrs.J.Anandhavalli

JUDGMENT

(Judgment of the Court was delivered by ***S.M.SUBRAMANIAM.J.***)

This Writ Appeal has been instituted against the order dated 14.08.2023 passed in W.P.(MD)No.20228 of 2022.



2.The learned Single Judge, while considering the issues, formed an opinion that the authorities competent are bound to take a decision whether a single house in that locality can be construed as a residential area within the definition provided under the regulations for the purpose of rejecting the licence to run Petroleum Retail Outlet. However, the disputed facts in this regard are to be considered by the competent authorities by conducting field inspection and by considering the issues raised between the parties.

3.The learned counsel appearing on behalf of the 8th respondent has made a submission that there are more than one houses situated in that locality and therefore, the facts placed by the appellant are incorrect. However, the learned Single Judge remitted the matter to the authorities competent for fresh consideration, which is to be undertaken with reference to the rules and regulations. Thus, the order remitting the matter would not cause prejudice to the appellant and the appellant is at liberty to participate in the process of adjudication to be conducted by the competent authorities afresh. The authorities competent shall decide the issues based on the pleadings between the parties by conducting field inspection and uninfluenced by the observations made by the learned Single Judge in the order impugned.



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4.With these observations, this Writ Appeal stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (V.L.N., J.)

16.11.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

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4/6



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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

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