



WEB COPY



W.A.(MD) No.864 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD) No.864 of 2023
and
C.M.P.(MD) No.6961 of 2023**

- 1.The District Collector
Trichy
 - 2.The District Revenue Officer
Trichy
 - 3.The Revenue Divisional Officer
Musiri, Trichy
 - 4.The Block Development Officer
Thottiyam, Trichy
- ... Appellants

-vs-

- 1.P.Selvaraj
 - 2.M/s.Nayara Energy Limited
5th Floor, Chennai House
No.7, Esplanade, Chennai
- ... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 01.09.2022, passed in W.P.(MD) No.15186 of 2022, on the file of this Court.



WEB COPY



W.A.(MD) No.864 of 2023

For Appellants : Mr.A.Baskaran
Additional Government Pleader

For Respondents : Mr.C.Mahadevan for R1

J U D G M E N T

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Challenge in this writ appeal is to the order of the Writ Court issuing a mandamus directing issuance of no objection certificate for establishment of a petroleum retailing outlet in the land in Survey Nos.255/2 and 286/2 of Mullipadi Village, Thottiyam Taluk, Trichy District.

2. Noticing the fact that several authorities, including the Joint Director of Agriculture, Trichirappalli, had issued no objection certificates, the Writ Court had issued the mandamus as prayed for.

3. Before us, it is sought to be contended that an order rejecting the application for issuance of no objection certificate had been passed even on 01.11.2021 and the first respondent / writ petitioner has suppressed the same before the Writ Court.

4. We directed the learned Government Pleader to produce a copy of the proceedings dated 01.11.2021. However, a copy of the proceedings,



W.A.(MD) No.864 of 2023

dated 30.10.2021, has been placed before us. A perusal of the same shows that the main ground, on which the rejection is made, is that there is an irrigation channel in the land abutting the proposed site. The Joint Director of Agriculture, Tiruchirappalli, had recommended issuance of no objection certificate. We do not think that the District Revenue Officer has better expertise than the Joint Director of Agriculture, on the issue of pollution of irrigation channel and we further find that the order dated 30.10.2021 has not been forwarded to the first respondent, who had sought for no objection certificate and it has been sent only to the Zonal Manager of the Oil Company. An order, which has not been communicated, cannot be a ground for rejection of a writ of mandamus. Hence, we do not see any reason to interfere with the mandamus issued by the Writ Court and this writ appeal, therefore, fails and the same is, accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

21.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk



WEB COPY



W.A.(MD) No.864 of 2023

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

krk

W.A.(MD) No.864 of 2023
and
C.M.P.(MD) No.6961 of 2023

21.06.2023