



W.P(MD)No.30194 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30194 of 2023

and

W.M.P.(MD)Nos.26020 & 26022 of 2023

B.Gangesh

... Petitioner

Vs.

1.National Highways Authority of India
represented by the Chairman,
NHAI Headquarters,
G 5 & 6, Sector 10, Dwarka,
New Delhi 110075.

2.Union of India
represented by the Secretary,
Ministry of Road Transport & Highways,
Room No.509, Transport Bhawan No.1, Parliament Street,
New Delhi-110001.

3.The Deputy General Manager (Tech) cum Project Director,
Project Implementation Unit,
NHAI, Plot No.3, Surya Towers,
2nd Floor, 1st East Street,
K.K.Nagar, Madurai 625020.

4.Indian Oil Corporation represented by
the Director (Retail Outlets)
Indian Oil Bhavan,
G-9, Ali Yavar Yung Marg, Bandra (East),
Mumbai-400 051.



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5.The General Manager,
Southern Region,
Indian Oil Bhavan 139, Nungambakkam High Road,
Chennai-600 034.

6.The District Collector,
District Collectorate,
Dindigul.

7.The Tahsildar,
Nilakottai Taluk,
Dindigul.

8.The Inspector of Police,
Ammaiyanayakkanur Police Station,
Dindigul District.

9.K.C.Prabhakaran

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent No.6 and 7 to reconsider the application of the respondent No.9 to grant him a No Objection Certificate (NOC) for establishing Retail Fuel Outlet in Survey No. 314/19A1 of Maalayakoundanpatti Village, Nilakottai Taluk, Dindigul District and to forbear the respondent No.8 from establishing a Retail Fuel Outlet in Survey No.314/19A1 of Maalayakoundanpatti Village, Nilakottai Taluk, Dindigul District in violation of the norms of the respondent No.2 guidelines in RW-NH-33032/01/2017-S and R (R) dated 26.06.2020 in accordance with law within a time stipulated by this Court.

For Petitioner : Mr.A.V.Saha
for Mr.R.Alagumani

For Respondents : Mr.P.Karthik for R1
: Mr.K.Govindarajan for R2



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: Mr.Mahaboob Athiff for R4 & R5
: Mrs.J.Padmavathi Devi for R3
: Mr.K.Balasubramani
Special Government Pleader for R6 & R7
: Mr.A.Albert James
Government Advocate for R8

ORDER

Heard both sides.

2. The petitioner is aggrieved by grant of NOC by the jurisdictional District Revenue Officer in favour of the 9th respondent. The petitioner has questioned the same before the 6th respondent.

3. The 6th respondent is directed to pass an order on the petitioner's representation dated 04.11.2023. If the 6th respondent finds *prima facie* merit in the petitioner's application, the 6th respondent will issue notice to the 9th respondent and thereafter pass final order. If the 6th respondent does not find any *prima facie* merit in the petitioner's application, even without issuing notice to the 9th respondent, order can be passed. I make it clear that I have not gone into the merits of the matter. All the contentions of the petitioner are left open. The 6th respondent shall pass an order as indicated above within a period of eight weeks from the date of receipt of a copy of this order.



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4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

19.12.2023

Index : Yes / No

Internet : Yes/ No

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NOTE:Issue Order Copy on 22.12.2023.

To

1.The District Collector,
District Collectorate,
Dindigul.

2.The Tahsildar,
Nilakottai Taluk,
Dindigul.

3.The Inspector of Police,
Ammaiyanayakkanur Police Station,
Dindigul District.



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G.R.SWAMINATHAN, J.

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