



W.P.No.4429 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4429 of 2024

And

W.M.P.No.4777 of 2024

R.Tamil Selvan

... Petitioner

Vs.

1.The District Collector
District Collectorate
Erode District.

2.The Additional District Magistrate and
District Revenue Officer
Erode District.

3.The Revenue Divisional Officer
Gobichettipalayam
Erode District.

4.The Divisional Engineer
National Highways
Gobichettipalayam
Erode District.

5.The Indian Oil Corporation
Rep. by its Territory Manager
Coimbatore Divisional Office
Indian Oil Bhavan
8/1079, Avinashi Road
Coimbatore – 641 018.

... Respondents



W.P.No.4429 of 2024

WEB COPY **Prayer:**

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the second respondent in Ref.No.37451/2022/C4 dated 30.06.2023 and quash the same and consequently direct the first respondent to restore the No Objection Certificate (NOC) in Ref.No.29114/2020/C4 dated 19.02.2021.

For Petitioner : Mr.A.Mohamed Ismail

For Respondents : Mr.U.Baranidharan for R1 to R4
Additional Government Pleader
Mr.Mohd. Fayaz Ali for R5

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the second respondent in Ref.No.37451/2022/C4 dated 30.06.2023 and quash the same and consequently direct the first respondent to restore the No Objection Certificate (NOC) in Ref.No.29114/2020/C4 dated 19.02.2021.

2.The learned counsel appearing for the petitioner submitted



W.P.No.4429 of 2024

that one Mr.Nagarajan is the owner of the land in S.No.240/3A in Rajan Nagar Village, Sathyamangalam Taluk, Erode District and a registered lease deed was entered into between the petitioner and the said Nagarajan on 24.12.2018 in document no.7769 of 2018 before the Sub – Registrar, Sathyamangalam to an extent of 0.30 1/3 cents. The lease period is 29 years and it is also held that the petitioner could sub-lease the property to Indian Oil Corporation. The petitioner was the only eligible candidate in Group – I category of the Empanel List in the category of the Scheduled Caste of the Corporation and he was declared as selected by the Indian Oil Corporation vide e-mail communication dated 11.01.2019.

3.The learned counsel appearing for the petitioner further submitted that the petitioner also obtained necessary no objection certificates from the appropriate Authorities. Whiles, the said Nagarajan filed W.P.No.11440 of 2022 seeking to forbear the Authorities from issuing no objection certificates for establishment of the fuel station and the same is pending. Thereafter, the second respondent passed the impugned order cancelling the no objection certificate dated 19.02.2021 and further submitted that the impugned



W.P.No.4429 of 2024

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order is in clear violation of principles of natural justice since no opportunity was given to the petitioner and no enquiry was conducted.

4.Per contra, the learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that no objection certificate was issued by second respondent to get licence for the retail sales of petroleum products in S.No. 240/3A in Rajan Nagar Village, Sathyamangalam Taluk, Erode District. Later a letter was received from the fourth respondent stating that when W.P.No.11440 of 2022 came up for hearing on 11.07.2022 the petitioner produced copies of no objection certificate issued by the Highways Department which is a falsified one and that no recommendation was made from their office and requested to take action. In this regard two enquiries were conducted with the following participants namely, Divisional Engineer(H), National Highways, Gobichettipalayam; Divisional Engineer(H), Construction and Maintenance, Udhagamandalam; Assistant Divisional Engineer(H), National Highways, Gobichettipalayam; Assistant Divisional Engineer(H), Construction and Maintenance, Kodumudi; Tamilselvan (Petroleum NOC Dealer),



W.P.No.4429 of 2024

Sukumar, Staff, Assistant Engineering Office, Construction and Maintenance Division – II; Chief Divisional Retail Sales Manager, M/s.Indian Oil Corporation Limited, Coimbatore.

5.The learned Additional Government Pleader appearing for the respondents 1 to 4 further submitted that upon perusal of the statements and records produced by the above participants, it was found that the recommendation meant to be received from DE (H), National Highways, Gobichettipalayam, based on which no objection certificate was issued, was a forged one. Hence, the Highways Department was requested to take necessary departmental and legal action against Sukumar who prepared the fake report and Divisional Engineer, Highways (Construction and Maintenance), Erode has intimated that the said Sukumar has been permanently dismissed from Government service with effect from 18.04.2023 vide proceedings dated 18.04.2023.

6.The learned Additional Government Pleader appearing for the respondents 1 to 4 further submitted that after perusal and careful consideration of the statements and records produced before the second respondent, the second respondent arrived at a conclusion



W.P.No.4429 of 2024

that the letter of the fourth respondent dated 14.12.2020 granting temporary no objection produced by the petitioner is a forged one and hence the second respondent passed the impugned order as per the provision made in Rule 150(1) and (2) of the Petroleum Rules, 2002 canceling the no objection certificate issued by the second respondent which warrants no interference.

7.Heard the arguments advanced on either side and perused the materials available on record.

8.Perusal of records reveal that no objection certificate was issued by second respondent to the petitioner to get licence for the retail sales of petroleum products in S.No. 240/3A in Rajan Nagar Village, Sathyamangalam Taluk, Erode District. Thereafter a letter was received from the fourth respondent stating that when W.P.No.11440 of 2022 came up for hearing on 11.07.2022 the petitioner produced copies of no objection certificate issued by the Highways Department which is a falsified one and that no recommendation was made from their office and requested to take action.



W.P.No.4429 of 2024

9.In this regard, two enquiries were conducted by the second respondent with the following participants, namely, Divisional Engineer(H), National Highways, Gobichettipalayam; Divisional Engineer(H), Construction and Maintenance, Udhagamandalam; Assistant Divisional Engineer(H), National Highways, Gobichettipalayam; Assistant Divisional Engineer(H), Construction and Maintenance, Kodumudi; Tamilselvan (Petroleum NOC Dealer), Sukumar, Staff, Assistant Engineering Office, Construction and Maintenance Division - II; Chief Divisional Retail Sales Manager, M/s.Indian Oil Corporation Limited, Coimbatore.

10.The second respondent upon perusal of the statements and records produced by the above participants, found that the recommendation meant to be received from DE (H), National Highways, Gobichettipalayam, based on which no objection certificate was issued, was a forged one. Hence, requested the Highways Department to take necessary departmental and legal action against Sukumar who prepared the fake report and Divisional Engineer, Highways (Construction and Maintenance), Erode has intimated that the said Sukumar has been permanently dismissed from Government service with effect from 18.04.2023 vide proceedings dated



W.P.No.4429 of 2024

18.04.2023.

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11.The second respondent after perusal and careful consideration of the statements and records produced, arrived at a conclusion that the letter of the fourth respondent dated 14.12.2020 granting temporary no objection produced by the petitioner is a forged one and therefore passed the impugned order as per the provision made in Rule 150(1) and (2) of the Petroleum Rules, 2002, which warrants no interference.

12.The writ petition is dismissed. If at all the petitioner have any grievance, the petitioner has to file appeal under Rule 154 of the Petroleum Rules, 2002. No costs. Consequently, the connected miscellaneous petition is closed.

21.10.2024

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1.The District Collector

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W.P.No.4429 of 2024

District Collectorate
Erode District.

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- 2.The Additional District Magistrate and
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