



WEB COPY



W.P.No.6512 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM:

THE HON'BLE MRS. JUSTICE J.NISHA BANU

W.P.No.6512 of 2021
and W.M.P.No.7094 of 2021

L.Loganayagi
Proprietor of Nila Agencies
No.144, Kizh Street, Gengampattu,
Japti Kariandal post, Chengam Taluk,
Tiruvannamalai - 606702

... Petitioner

Vs.

1. The Secretary,
Ministry of Road Transport & Highways,
Transport Bhawan, 1, Parliament Street,
New Delhi 110 001
2. The Division Engineer,
Ministry of Road Transport & Highways,
Tiruvannamalai 606 604
3. The Regional Officer,
HPCL, Trichy Retail RO, MDSR Enclave,
2nd floor, No.90, Bharatidasan Salai, Cantonment,
Tamil Nadu, Tiruchirappalli, Trichy 620 001
4. The District Collector,
Collectorate, Vengikkal,
Tiruvannamalai 606 604



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5. The District Additional Administrative Magistrate
cum the District Revenue Officer,
Tiruvannamalai,
Tiruvannamalai District 606 604

6. The Revenue Divisional Officer,
Tiruvannamalai,
Tiruvannamalai District 606 604

7. The District Fire Department,
Venikkal, Tiruvannamalai,
Tamil Nadu 606 604

8. K.Azhagesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration to declare that order passed by the third respondent in No.Mu.Mu.C3/27936/2019 dated 05.01.2021 as null and void and against the guidelines issued by the Ministry of Road Transport and High Ways in No.RW/N.H.33023/19/99 – Do-III.

For Petitioner : Mr.S.Aravind Raj

For RR 1 -2 : Mr..Madana Gopal Rao, SPC

For R-3 : Mr.M.Vijayan
for M/ King & Patridge

For RR 4, 6 & 7 : Mrs.C.Meera Arumugam
Addl. Government Pleader

For R-5 : Mr.G.Ilangovan, SPC

For R-8 : Mr.J.Bharathiraja



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ORDER

(Order of the Court was made by J.NISHA BANU, J.,)

This writ petition has been filed seeking for a Writ of Declaration to declare that the order passed by the third respondent in No.Mu.Mu.C3/27936/2019 dated 05.01.2021 as null and void and against the guidelines issued by the Ministry of Road Transport and Highways in No.RW/N.H.33023/19/99 – Do-III.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

3. Perusal of records show that the petitioner has earlier filed a writ petition in W.P.No.6217 of 2020 and this Court, by an elaborate order has dismissed the same on 19.11.2020 by holding that, 'an existing dealer cannot maintain a writ petition challenging the NOC issued for setting up a similar unit by another business and found that there is no merit in the writ petition'.

4. The writ petitioner has now filed the present writ petition stating that the third respondent has misled this Court by stating that IRC Guidelines are



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only applicable to National or State Highways but not to the Major District Roads (MDR Roads). If at all the petitioner is aggrieved by the order passed by the learned Judge of this Court, the only remedy available to the petitioner will be to file an appeal against the said order. In the present case on hand, the petitioner instead of filing an appeal against the above said order, has filed the present writ petition which is not maintainable.

5. Accordingly, the writ petition stands dismissed. No costs
Consequently, connected miscellaneous petition is closed.

23.02.2024

Index : Yes / No
Internet : Yes / No
Speaking order/Non-speaking order
Neutral Citation : Yes / No
sts

To:

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New Delhi 110 001
2. The Division Engineer,
Ministry of Road Transport & Highways,
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3. The Regional Officer,
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J.NISHA BANU, J.

sts

Order made in
W.P.No.6512 of 2021

Dated:
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