



W.P.No.5579 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.5579 of 2024

Jeevalakshmi Shanmugam

... Petitioner

Vs.

1. The Executive Director,
Southern Region Office,
(Marketing Head)
Indian Oil Bhavan,
139, Nungambakkam High Road,
Chennai-034.

2. The Chief Divisional Retail Sales Manager,
IOC Salem Divisional Office,
No.234, Kondalampatti, 1st Floor,
Salem-636 010, Tamil Nadu.

3. The District Collector,
Office Of The Collector,
Collector Office Rd,
Krishnagiri-635 115,
Tamil Nadu.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, calling for the records relating to the impugned order dated 28.12.2023 in Ref. No.Mu.Mu. 4758/ 2022 /J1



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issued by the third respondent by quashing the same and directing the third respondent to grant NOC under Rule 144 of the Tamil Nadu Petroleum Rules, 2002 for the petitioners land to locate or setting up a retail outlet (petroleum pump) dealership for Indian oil Corporation Limited.

For Petitioner : Mr.R.M.Manickavel

For Respondents :
(for R1 & R2) :Mrs.Revathi Manivannan,
(for R3) :Mr.N.Naveen Kumar,
Government Advocate.

ORDER

Rejection of an application seeking NOC to establish petrol bunk is under challenge in the present writ proceedings. The petitioner submitted an application seeking no objection certificate from the District Collector for the purpose of running petroleum retail outlet.

2. The written instructions given by the District Collector Krishnagiri, vide letter dated 13.04.2024, reveals that the land in S.No.204/2B, measuring an extent of 0.59.0 Hector of Anandalur Village, stands registered in the name of the writ petitioner Tmt.Jeevalakshmi in



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Patta No.977 in Revenue/Government records. The land S.No.204/2B of Anandhur Village has been classified as Wet land (Nanjai) in the records.

The petitioner has proposed to establish a Petrol retail outlet in the said land. On inspection of District Collector, on 18.07.2023, it was found that the said land is 1.2 km away from the Anandhur Lake. All the lands near the said lake are wet lands. A water passing channel is on the eastern side of the petitioner's land. Overflow of excess water of the Anandhur lake flows through the said channel. Further, there is a culvert on the front side of the land of the petitioner. The water from the channel passes through the said culvert and reaches to the nearby Thiruvanamapatti Lake. As instructed in Housing and Urban Development (UD4(3)] Department G.O.(Ms). No.79 Dated.04.05.2017 that the Collector shall satisfy himself that the land in which development is proposed does not fall in the category of the land which is fit for continuing the cultivation for giving prior concurrence. But as per the Adangal on last five years the petitioner has cultivated paddy in S.No 204/2 of Anandhur Village. The said land is roughly about 100 meters away from the Anandhur village. There are many residential houses near the petitioners land. It is stated that the wet lands are purely intended for the cultivation of food crops and there are no provisions to grant NOC in the wet lands for any commercial purpose of its



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cultivable farming is done for last 5 years. It is upto the Government to decide in the issue to grant NOC to establish Petrol retail outlet in the wetlands.

3. In view of the fact that the District Collector conducted an inspection and found that No Objection Certificate cannot be granted in view of the classification of the land and a Culvert, which is there on the front side of the land of the petitione, the order of rejection passed cannot be termed as infirm.

4. Consequently the writ petition stands dismissed. No costs.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

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S.M.SUBRAMANIAM. J.,

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