



W.A.No.258 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.258 of 2024

S.Vimal Vijay Palanivel

Vs

.. Appellant

1. The Secretary
Highways and Minor Ports (HS2)Department,
Fort St.Geroge, Chennai
2. The District collector
Coimbatore District,
Collectorate Building,
State Bank Road, Gopalapuram,
Coimbatore.
3. The Additional District Magistrate and
District Revenue officer
Coimbatore District, Collectorate Building,
State Bank Road, Gopalapuram,
Coimbatore.
4. The Joint Chief Controller of Explosives
A and D wing, Block 18, Shastri Bhavan,
No.26, Haddows Road, Nungambakkam,
Chennai - 600 006.



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5. The Divisional Engineer
(Construction and Maintenance),
Highways Department, ATT Colony,
VOC Park Road, Gopalapuram,
Coimbatore – 641018.
6. The Deputy Director of Health services
No.219 and 126, A Race Course Scheme Road,
Coimbatore – 641018.
7. The Joint Director of Agriculture
Thadagam Road, GCT (Post),
Coimbatore – 641013.
8. The Territory Manager,
Bharath Petroleum Corporation Ltd,
Burmah Shell Lane, 19/2,
Big Bazaar St, Ukkadam,
Coimbatore.
9. Sivakumar .. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 9.12.2022 passed by the learned Single Judge in W.P.No.18239 of 2020.

For the Appellant	: Mr.K.Sukumaran for Mr.R.Kannan
For the Respondents	: Mr.A.Edwin Prabakar State Government Pleader for respondents 1 to 3, 5 to 7
	: Mr.C.Prakasam for 9 th respondent



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JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard Mr.K.Sukumaran, learned counsel appearing on behalf of Mr.R.Kannan, learned counsel for the appellant; Mr.A.Edwin Prabakar, learned State Government Pleader for respondents 1 to 3 and 5 to 7; and Mr.C.Prakasam, learned counsel for the ninth respondent.

2. The appellant is challenging the judgment and order passed by the learned Single Judge in W.P.No.18239 of 2020.

3. Learned counsel for the appellant strenuously contends that the guidelines for issuance of No-Objection Certificate has been violated. Before issuing No-Objection Certificate, it has to be considered whether the applicant is in lawful possession of the site. The applicant should possess an authorisation from the land owner or lease holder for developing the premises. The person in whose



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favour the retail outlet dealership was granted is not in authorised occupation, inasmuch as the lease deed in his favour was cancelled even before the issuance of the no-objection certificate. This fact was brought to the notice of the authorities concerned. However, the same was not considered. The learned Single Judge also did not properly appreciate the said aspect.

4. It is further submitted by learned counsel for the appellant that the guidelines contained in the Indian Road Congress had not been followed. There are other petroleum bunks in the nearby vicinity.

5. We have perused the judgment and order passed by the learned Single Judge.

6. The learned Single Judge has observed that the lease deed was cancelled because the original owner of the land had directly executed the lease deed in favour of the Corporation. According to learned counsel for the appellant, the same is an erroneous



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reasoning. We may not dilate on the said aspect for the following reasons:

- i. The appellant had not applied for the dealership of the retail outlet;
- ii. The appellant is a stranger to the contract between the petroleum corporation and the ninth respondent;
- iii. The appellant in no way is concerned or affected by the establishment of the retail outlet on the site;
- iv. The matter was not a public interest litigation, nor any person can be said to have been aggrieved; and
- v. The appellant did not have the locus standi to maintain the writ petition.

In the light of that, we are not inclined to entertain the writ appeal. The writ appeal, as such, is disposed of. There



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shall be no order as to costs. Consequently, C.M.P.No.1653 of 2024 is closed.

(S.V.G., C.J.)

(D.B.C., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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