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WP.No.8506/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

WP.No.8506/2024

Muhammed Hussein

... Petitioner

Vs.

- 1.The Joint Chief Controller of Explosives
Petroleum and Explosive Safety Organization
[PESO], A & D-Wing Block 1-8, 2nd floor
Shastri Bhavan, 26, Haddows Road
Nungambakkam, Chennai 600 006.
- 2.M/s.Hindustan Petroleum Corporation Ltd
India Petroleum House 17, Jamsheedji Tata Road
Mumbai, Maharashtra, Mumbai 400 020.
- 3.M/s.Hindustan Petroleum Corporation Ltd
rep.by the General Manager [O], South Zone
Retail, Thalamuthu Natarajan Building, 4th Floor
No.3045, Gandhi Irwin Road, Chennai 600 008.
- 4.The District Revenue Office
Office of DRO, Collectorate Campus
Thiruvarur Colletor, Thiruvarur.



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5.The Superintending Engineer [H]
Construction and Maintenance
No.888, TVS Tollgate, Subramaniapuram
Trichy 620 020.

6.The Tamil Nadu Pollution Control Board,
No.25, Developed Plots, Thuvakudy
Trichy 620 015.

7.The Central Pollution Control Board
Parvesh Bhawan, East Arjun Nagar
Delhi 110 032.

8.N.Swaminathan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondents herein to consider the representation of the petitioner and directing the respondent to investigate and take appropriate actions, in accordance with the law and against the wrongful and negligent issuance of provisional site approvals and final explosives licenses to the Petroleum Retail Outlet in Thiruvarur District, Manakkal Village, survey Nos.143/4, 143/5, 143/5C, 143/6, 145/3 and 145/4.



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For Petitioner	: Mr.M.Kabilesh
For R1	: Mr.J.Madangopal Rao Senior Panel Counsel
For R3	: Mrs.Mohd Fayaz Ali
For R4	: Mr.G.Nanmaran, Spl.GP
For R6	: Mrs.Shanmugavalli Sekar Standing counsel
For R7	: Mr.M.R.Gokul Krishnan Standing counsel
For R8	: Mr.P.Mohanraj

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

(1)The present writ petition has been filed by the petitioner seeking for issuance of a writ of mandamus to direct the respondents herein to consider the representation of the petitioner and also to direct the respondents to investigate and take appropriate actions, in accordance with the law and against the wrongful and negligent issuance of provisional site approvals and final explosives licenses to the Petroleum Retail Outlet in Thiruvarur District, Manakkal Village, survey Nos.143/4, 143/5, 143/5C, 143/6, 145/3 and 145/4.



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(2) Mr. J. Madangopal Rao, learned Senior Panel Counsel accepts notice on behalf of the 1st respondent ; Mr. Mohd Fayaz Ali, learned counsel accepts notice on behalf of the 3rd respondent ; Mr. G. Nanmaran, learned Special Government Pleader accepts notice on behalf of the 4th respondent ; Mrs. Shanmugavalli Sekar, learned Standing counsel accepts notice on behalf of the 6th respondent ; Mr. M. R. Gokul Krishnan, learned Standing counsel accepts notice on behalf of the 7th respondent and Mr. P. Mohanraj, learned counsel accepts notice on behalf of the 8th respondent.

(3) It appears that the petitioner has raised certain objections citing regulations, for grant of license for establishment of a retail outlet in the land of 8th respondent in Manakkal Village in S.Nos. 143/4, 143/5, 143/5C, 143/6, 145/3 and 145/4. The petitioner though submitted a representation, it appears that grant of license is at the preliminary stage and the application submitted by the lessee of 8th respondent before the DRO/4th respondent for issuance of 'No Objection Certificate' is under consideration.



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(4) Therefore, this Court is of the view that the petitioner should approach the 4th respondent / DRO, who is the competent authority to issue NOC to the licensee for running the retail outlet.

(5) Further, it is seen that the petitioner has not impleaded the person who has applied for license. Though the 8th respondent has been impleaded, the learned counsel for the 8th respondent submits that the 8th respondent is only the owner of the property.

(6) Therefore, this Court cannot entertain the writ petition in the absence of the person who is likely to be affected by granting any relief or order in this writ petition.

(7) The learned counsel appearing for the 3rd respondent also submitted that the 3rd party who intends to establish the retail outlet, has only applied for NOC and his application for NOC is pending.

(8) The 4th respondent shall consider the objections raised by the petitioner before considering the application submitted by the proposed licensee seeking NOC and pass appropriate orders. It is open to the petitioner to challenge if any adverse order is passed by the 4th respondent on the application submitted by the lessee of 8th respondent herein.



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(9) Hence, the writ petition stands **dismissed** on the ground that the petitioner has not impleaded the proper and necessary party to the *lis*.

However, it is open to the petitioner to raise his objections before the 4th respondent who is the competent authority to grant NOC. No costs.

[S.S.S.R., J.] [N.S., J.]
01.04.2024

AP
Internet : Yes



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