



W.P.No.8242 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.8242 of 2024

S.Visvanathan

.. Petitioner

Vs.

1. The Joint Chief Controller of Explosives
South Circle, Chennai
Petroleum and Explosives Safety Organisation (PESO)
A and D Wing, Block 1-8, 2nd Floor
Shastri Bhawan, No.26, Haddows Road
Nungambakkam, Chennai – 600 006.
2. The District Revenue Officer
Dharmapuri District
Collectorate Complex
1st Floor, Salem Main Road
Near Superintendent of Police Office
Dharmapuri – 636 705.
3. The District Environmental Engineer
Tamil Nadu Pollution Control Board
Old No.64 A, New No.8, 1st Floor
5h Cross, Appavu Nagar
Dharmapuri – 636 701.



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4. The Regional Director
Central Pollution Control Board
Regional Directorate (Chennai)
2nd Floor, 77-A, South Avenue Road
Ambattur Industrial Estate, Chennai – 600 058.
5. The Divisional Engineer
(Construction and Maintenance)
Highways Department, Dharmapuri Sub-Division
Virupakshipuram, Dharmapuri – 636 701.
6. The Divisional Retail Sales Head
Indian Oil Corporation Ltd.
Divisional Office, Salem
No.234, Salem-Bangalore Bye Pass Road
Kondalampatti, Salem – 636 010.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, to forbear the 1st to 5th respondents from issuing the prior site approval, explosive license, no objection certificate (NOC) and all other approvals / permissions to the 6th respondent to commission and operate the proposed road side new petroleum retail outlet on Dharmapuri to Harur Road (SV Road) at Survey Field No.1/5A1, Block No.38, Ward – C, Dharmapuri Town, Dharmapuri Taluk and District.

For the Petitioner : Mr.V.B.R.Menon

For the Respondents : Mr.Sudhir Kumar
Senior Panel Counsel
for R1

Mr.K.Karthik Jegannath
Government Advocate
for R2 and R5

Mr.Mohammed Fayaz Ali
for R6



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ORDER
(Made by the Hon'ble Chief Justice)

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Heard Mr.V.B.R.Menon, learned counsel for the petitioner, Mr.Sudhir Kumar, learned Senior Panel Counsel for respondent 1, Mr.K.Karthik Jegannath, learned Government Advocate for respondents 2 and 5 and Mr.Mohammed Fayaz Ali, learned counsel for respondent 6.

2. Learned counsel for the petitioner submits that the plan for prior site approval, explosive license, No Objection Certificate and other approvals are submitted by respondent 6 to commission and operate the proposed road-side new petroleum retail outlet at Dharmapuri – Harur road.

3. According to learned counsel for the petitioner, the river and the water channel pass just adjacent to the proposed site. The said river and the water channel are only twenty meters away. The submission of plan and application for No Objection Certificate as well as other approvals are illegal.



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4. Learned counsel appearing for respondent 6 submits that today, the present petition is premature as no orders are passed.

5. Only the proposal is given. No orders are passed for approval of explosive license or for any other permission. Presumption is that official acts would be properly performed. All the relevant aspects of the matter, certainly will have to be considered by the authority before passing orders for approval, permission or grant of license. The authority, certainly would consider all the said legal aspects of the matter.

6. The writ petition, as such, stands dismissed. There shall be no order as to costs. Consequently, W.M.P.No.9200 of 2024 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

26.03.2024

Index : Yes/No
Neutral Citation : Yes/No

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