



WEB COPY



W.P.No.12145 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.12145 of 2022

S.Krishnamurthy

.. Petitioner

Vs

- 1 The District Revenue officer
Collectorate Building
Coimbatore-641 001.
- 2 The Joint Chief Controller of Explosives
A and D Wing, Block 1-8
Shastri Bhavan, No.26, Haddows Road
Nungambakkam, Chennai – 600 006.
- 3 The Divisional Engineer
(Construction and Maintenance)
Highways Department
Collectorate Building
Coimbatore.
- 4 The Executive Engineer
Public Works Department (WRO)
Coimbatore.
- 5 Indian Oil Corporation Limited
Indian Oil Bhavan, 8/1079, Avinashi Road



W.P.No.12145 of 2022

Coimbatore - 641 018.

6 The General Manager
Aavin, Siruvani Main Road
Pachapalayam, Perurchettipalayam Revenue Village
Perur Taluk, Coimbatore District. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents 1 to 4 from granting No Objection Certificate/License/Approval etc. permitting the 5th respondent to open and operate a New Road side Petroleum Retail Outlet/Bunk on Siruvani Main Road (MDR), on the land belonging to Aavin, the 6th respondent herein, comprised in SF No.451, Pachapalayam, Perurchettipalayam Revenue Village, Perur Taluk, Coimbatore District, in violation of (i) IRC Circular 12-2009; (ii) Tamil Nadu Combined Development and Building Rules, 2019; (iii) G.O.(Ms) No.79 dated 04.05.2017 Housing and Urban Development (UD4(3)) Department; (iv) the Circular No.ROC No.24935/10 GR dated 07.03.2011.

For the Petitioner : Mr.B.Harikrishnan

For the Respondents : Mr.C.Kathiravan
Special Government Pleader
for respondents 1, 3 and 4

: Mr.K.Subba Ranga Bharathi
Central Government Counsel
for 2nd respondent

: Mr.Mohammed Fayaz Ali
for 5th respondent

: No appearance
for 6th respondent



W.P.No.12145 of 2022

WEB COPY

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

Heard Mr.B.Harikrishnan, learned counsel for the petitioner; Mr.C.Kathiravan, learned Special Government Pleader for respondents 1, 3 and 4; Mr.K.Subbu Ranga Bharathi, learned Central Government Counsel for the second respondent; and Mr.Mohammed Fayaz Ali, learned counsel for the fifth respondent.

2. Learned counsel for the petitioner submits that adjacent to the property where no-objection is sought for establishment of a retail outlet by the fifth respondent, there is a property of Aavin, where milk is stored and processed. The retail outlet cannot come up on a land adjacent to the land owned by the Aavin.

3. The permission is not yet granted to establish the retail outlet. Today, the petitioner would not have a cause of action to institute the present writ petition. The petitioner has already raised an objection with the authorities. The authorities, certainly, would consider the objection and take a decision as per law with regard to



W.P.No.12145 of 2022

the proposal of the fifth respondent to establish the retail outlet. It is only if permission is granted against a statute, rules or regulations, then the petitioner, if aggrieved, may have a right to agitate.

The writ petition is, accordingly, disposed of. There shall be no order as to costs. Consequently, W.M.P.Nos.11582 and 33218 of 2022 are closed.

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

(D.B.C., J.)

02.01.2024

Index : Yes/No
Neutral Citation : Yes/No
sasi



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THE HON'BLE CHIEF JUSTICE
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(sasi)

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