



W.P.No.13725 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 16.05.2024

CORAM :

THE HONOURABLE MS. JUSTICE P.T. ASHA
and
THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

Writ Petition No.13725 of 2024

C.Mahesh

... Petitioner

Versus

1. The Sub - Divisional Magistrate
O/o. The Sub - Divisional Magistrate
Mahe, Puducherry State.
2. The Regional Administrator/
Deputy Collector (Revenue)
O/o. The Deputy Collector (Revenue)-cum-District Magistrate,
Mahe, Puducherry State.
3. The Superintendent of Police
O/o. The Superintendent of Police
Mahe, Puducherry State.
4. The Divisional Fire Officer
O/o. The Divisional Fire Officer
Mahe, Puducherry State.
5. The Commissioner
O/o. The Commissioner
Mahe Municipality
Puducherry State.



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6. The Executive Engineer(PWD),
O/o. The Executive Engineer,
Public Works Department (PWD),
Mahe, Puducherry State.
7. The Town & Country Planning Department,
Mahe, Puducherry State.
8. The Territory Manager (Retail)
M/s.Indian Oil Corporation Limited,
II Floor, PMK Towers,
Civil Station Post.
Wayanad Road, Kozhikode - 673 020.
9. The Deputy Tahsildar (Revenue),
O/o. The Deputy Tahsildar (Revenue),
Sub Taluk Office,
Mahe, Puducherry State
10. The Joint Chief Controller of Explosives,
Ministry of Commerce & Industries, Govt. of India,
Petroleum & Explosives Safety Organization
(PESO), A & D Wing, Block 1-8,
IInd Floor, Shastri Bhavan,
26, Haddows Road, Nungambakkam
Chennai-600 028.
11. Ministry of Road Transport & Highways,
Rep. by its Secretary,
(S & R (P&B) Section),
Transport Bhavan, I, Parliament Street,
New Delhi-110 001.
12. The District Collector,
Mahe, Puducherry State.

...Respondents

(The District Collector, Mahe, Puducherry State is *suo-motu* impleaded as Respondent No.12 by PTAJ and NSJ on 16.05.2024)



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of India, for issuance of Writ of Mandamus directing the respondents to consider the petitioner's representation dated 02.05.2024 and cancel the NOC granted in favour of M/s.Indian Oil Corporation Limited and C.Jasim Musthafa, to put up a MS/HSD Retail Outlet at R.S.No.27/16, Pandakkal Revenue Village, Mahe Sub Taluk, Puducherry State.

For Petitioner : Mr. Parthasarathy, Senior Counsel
for Mr. S. Hari Prasad

For Respondents : Mr. V. Vasanthakumar for R1 to R7 & R9
Additional Government Pleader
Puducherry

Mr. Mohammed Fayaz Ali for R8

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ORDER

(Order of the Court was made by **P.T. ASHA, J.**)

The present Writ Petition has been filed to direct the respondents to consider the representation of the petitioner dated 02.05.2024 and to cancel the NOC granted in favour of M/s.Indian Oil Corporation Limited and C.Jasim Musthafa, to put up a MS/HSD Retail Outlet at R.S.No.27/16, Pandakkal Revenue Village, Mahe Sub Taluk, Puducherry State.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. Considering the nature of issue involved, the District Collector,



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Mahe, Puducherry State, is *suo-motu* impleaded as necessary party.

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4. It is noticed that one of the allegations that has been put forth by the petitioner is that with reference to the application another entity for setting up of petrol pump, the first respondent has rejected the request for NOC stating that the Government of Puducherry has decided not to entertain any more application for grant of NOC for setting up of petroleum retail outlet since already there are 16 numbers of Petroleum Bunk in existing. This order has been made on 24.03.2023. However, within a period of three months, on 27.06.2023, NOC has been granted to the 8th respondent, M/s.Indian Oil Corporation Limited and one C.Jasim Musthafa to set up MS/HSD Retail outlet at R.S.No.27/16 of Pandakkal Revenue Village, Mahe Sub-Taluk. Immediately, the representation has been made by the petitioner on 30.04.2024 bringing to the notice of the respondents, about the kitchen set up by the Ruby Bar abutting the proposed petrol bunk and that the proposed petrol bunk and the kitchen are separated by a single wall. It is also seen that on the basis of this NOC, work is also going on in full speed for setting up the petrol bunk without even waiting for other approvals.

5. Considering the limited request and the fact that in the event of fire hazard or any untoward incidents happen, it would lead to catastrophic



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events as there are several residential and commercial buildings in the area which includes several Bars. The District Collector, Mahe, Puducherry State, who is *suo-motu* impleaded as necessary party, shall consider the representation of the petitioner dated 30.04.2024 within a period of four (4) weeks from 04.06.2024. After hearing the petitioner, M/s.Indian Oil Corporation and all other interested parties, the District Collector shall pass a reasoned order. No further construction shall be continued in the premises situated at R.S.No.27/16 of Pandakkal Revenue Village, Mahe Sub-Taluk, till the disposal of the representation of the petitioner by the District Collector, Mahe, Puducherry State.

Accordingly, this Writ Petition is disposed of. No costs.

[P.T.A., J.] [N.S., J.]
16.05.2024

Index:Yes/No

Speaking Order: Yes/No

Netural Citation:Yes/No

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To

1.The Sub - Divisional Magistrate,

O/o, The Sub - Divisional Magistrate,

<https://www.mhc.tn.gov.in/judis>



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Mahe, Puducherry State.

- 2.The Regional Administrator/
Deputy Collector (Revenue),
O/o. The Deputy Collector (Revenue)
cum District Magistrate,
Mahe, Puducherry State.
- 3.The Superintendent of Police,
O/o. The Superintendent of Police,
Mahe, Puducherry State.
- 4.The Divisional Fire Officer,
O/o. The Divisional Fire Officer,
Mahe, Puducherry State.
- 5.The Commissioner,
O/o. The Commissioner,
Mahe Municipality,
Puducherry State.
- 6.The Executive Engineer(PWD),
O/o. The Executive Engineer,
Public Works Department (PWD),
Mahe, Puducherry State.
- 7.The Town & Country Planning Department,
Mahe, Puducherry State.
- 8.The Territory Manager (Retail),
M/s.Indian Oil Corporation Limited,
II Floor, PMK Towers,
Civil Station Post,
Wayanad Road, Kozhikode-673 020.
- 9.The Deputy Tahsildar (Revenue),
O/o. The Deputy Tahsildar (Revenue),
Sub Taluk Office,



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Mahe, Puducherry State.

10. The Joint Chief Controller of Explosives,
Ministry of Commerce & Industries,
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(PESO), A & D Wing, Block 1-8
IInd Floor, Shastri Bhavan,
26, Haddows Road, Nungambakkam,
Chennai-600 028.

11. The Secretary,
Ministry of Road Transport & Highways,
(S & R (P&B) Section)
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12. The District Collector,
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