



W.P. No.17917 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2024

CORAM :

THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

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P. Prakash

Petitioner

v

- 1 The District Collector
Salem District Collectorate
Salem 636 001
- 2 The District Revenue Officer
Salem District 636 001
- 3 The Territory Manager
Bharat Petroleum Corporation Ltd.
Athur
Kadapparai Village
Erode Main Road
Karur 639 002

4 Nagabindhu Kanna

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 10.04.2024 and not to



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issue "No Objection Certificate" to the fourth respondent and further, to cancel the Letter of Intent issued by the third respondent to the fourth respondent to operate a petrol retail outlet in the property comprised in Patta No.2747, Survey No.204/2A2 situated in Selavadai Village, Omalur Taluk, Salem District, which is situated adjacent to Sri Vidya Mandir Matriculation School and opposite Sri Rajendra Nursery and Primary School within a radius of about 30 metres.

For petitioners Ms. R.S. Pavithra

For RR 1 & 2 Mr. Habeeb Rahman
Government Advocate

ORDER

(Made by the Hon'ble Acting Chief Justice)

Heard Ms. R.S. Pavithra, learned counsel for the petitioner and Mr. M. Habeeb Rahman, learned Government Advocate, who accepts notice for the respondents 1 and 2. Notice to the respondents 3 and 4 is dispensed with since no order prejudicial to their interest is passed.



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2 The third respondent issued a Letter of Intent to the fourth respondent for opening of a petrol outlet in the latter's agricultural land, pursuant to which, the petitioner addressed a representation dated 10.04.2024 to the official respondents seeking not to issue "No Objection Certificate" to the fourth respondent for the said purpose, inasmuch as the fourth respondent's land is very proximate to Sri Vidya Mandir Matriculation School and Sri Rajendira Nursery and Primary School and hence, the students of the said schools may be subjected to health hazards owing to evaporation of petroleum.

3 Since the petitioner's representation dated 10.04.2024 is still under consideration, the present writ petition has been filed in the form of a public interest litigation seeking a writ of mandamus directing the official respondents to consider the said representation and not to grant No Objection Certificate to the fourth respondent and also to cancel the Letter of Intent issued to the fourth respondent.



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4 Considering the limited scope of the prayer sought by the petitioner, without going into the merits of the case, this Court directs the authorities concerned to consider and pass appropriate orders on the petitioner's representation dated 10.04.2024 on merits, as per rules and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, of course, after affording an opportunity of hearing to the fourth respondent.

With the above direction, this writ petition stands disposed of.

No costs.

(R.M.D., A.C.J.) (M.S.Q., J.)
08.07.2024

Index : Yes/No
NC : Yes/No
cad



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