



WEB COPY

WP No.20257 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-04-2024

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

**WP No.20257 of 2023
And
WMP No.19577 of 2023**

R.Prakash

.. Petitioner

-VS-

1.The General Manager-South Zone,
Hindustan Petroleum Corporation Ltd.,
4th Floor, Thalamuthu Natarajan Building,
No.8, Gandhi Irwin Road,
Egmore,
Chennai-600 008.

2.The Senior Regional Manager,
Trichy Regional Office,
Hindustan Petroleum Corporation Ltd.,
No.16/38-A, Sivaprakasam Salai,
Tennur East,
Trichy-620 017.



3.M/s.Head of Divisional Retail Sales Manager,
Hindustan Petroleum Corporation Ltd.,
[Regional Office],
No.16/38-A, Sivaprakasam Salai,
Tennur East,
Trichy-620 017.

4.The Additional District Magistrate and
District Revenue Officer,
Cuddalore.

5.A.Soundar

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to forbear the respondents from establishing a New Road Side Petroleum Retail Outlet at Survey No.367/7A and 367/7B at Periyanesalur Village, Veppur Taluk, Cuddalore District.

For Petitioner : Mr.R.Nalliyappan

For Respondents-1 to 3 : Mr.Mohammed Fayaz Ali

For Respondent-4 : Mr.K.Surendran,
Additional Government Pleader.

For Respondent-5 : No Appearance



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ORDER

The present writ petition has been instituted forbearing the respondents from establishing a New Road Side Petroleum Retail Outlet at Survey No.367/7A and 367/7B at Periyanesalur Village, Veppur Taluk, Cuddalore District.

2. Admittedly, the petitioner is running Petroleum Retail Outlet through the Indian Oil Corporation (IOC). The Hindustan Petroleum Corporation has issued Notification for appointment of Retail Outlet Dealer in that locality.

3. The grievance of the writ petitioner is that the Retail Outlet has been installed adjacent to his Petroleum Retail Outlet, which is impermissible as per the guidelines issued.



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4. The learned counsel for the petitioner would submit that the distance criteria fixed in the Government Order has been violated. However, the fact remains that No Objection Certificate (NOC) has already been issued. More-so the petitioner has not participated in the selection process and as per the Notification, the petitioner admittedly is a third party and running separate Petroleum Retail Outlet in that locality. He has not challenged the NOC.

5. The learned counsel for the respondents 1 to 3 and the learned Additional Government Pleader for the fourth respondent, would submit that on account of business competition, the present writ petition has been instituted. If at all any statutory violations are committed or noticed/identified, the petitioner is at liberty to approach the Competent Forum.



6. With the above liberty, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

12-04-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To

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S.M.SUBRAMANIAM, J.

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