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W.P.No.25633 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.25633 of 2022
and W.M.P.Nos.24623 & 24625 of 2022

K.Bharathidass

.. Petitioner

Versus

1. UNION OF INDIA

Ministry of Petroleum and Natural Gas,
Shastri Bhavan, New Delhi-110001.

2. THE COLLECTOR

Cuddalore District, Cuddalore.

3. ADDITIONAL DISTRICT MAGISTRATE

and Additional collector (Revenue),
Cuddalore District.

4. DIVISIONAL ENGINEER

(Construction and Maintenance)
Beach Road, Highway Department, Cuddalore.

5. PETROLEUM EXPLOSIVE AND SAFETY ORGANISATION

A * B Wing, Block 1-8,
Second Floor, Shastri Bhavan,
Nungambakkam, Chennai.

6. HINDUSTAN PETROLEUM CORPORATION LIMITED

Trichy Regional Office (Retail),
Second Floor, MDSR Enclave,



W.P.No.25633 of 2022

Bharatidasan Road, Trichy- 602 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records of the 3rd Respondent herein in the impugned No Objection Certificate Ref.C1/31167/ 2019 dated 03.06.2022 in favour of the 6th Respondent to set up and operate a New Road- Side Petroleum Retail Outlet, at Schedule hereunder and quash the same.

For Petitioner : Mr.Surya Teja SS Nalla

For Respondents : Mr.N.Ramesh for R1 & 5
Mr.Mohammed Fayaz for R6
Mr.U.Baranidharan for R2 to R4

ORDER

This writ petition is filed challenging the NOC in Ref.C1/31167/ 2019 dated 03.06.2022 issued by the third respondent in favour of the 6th Respondent to set up and operate a New Road-Side Petroleum Retail Outlet at Schedule hereunder on the ground that the same is in violation of IRC Guidelines and quash the same.

2. The learned counsel for the respondents submitted that the petitioner has already filed a writ petition in W.P.No.24321 of 2022 before the First Bench of this Court by way of public interest litigation. However, the First Bench of this Court had dismissed the writ petition as the same was filed to settle personal scores of the petitioner. Hence, prayed for dismissal of this writ petition.



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3. Heard both sides and perused the materials placed on record. As rightly pointed out by the learned counsel for the respondents, on perusal of the writ petition in W.P.No.24321 of 2022, it can be seen that the petitioner had already filed the writ petition with the very same relief as sought for in the writ petition. The First Bench of this Court had dismissed the writ petition on the ground that the petition is not maintainable as it turns out to be a personal interest litigation instead of public interest litigation, as his family is involved in the same business. It is also to be seen that the First Bench had not granted liberty to file a fresh petition, however, contrary to the Order of this Court, the present writ petition is filed. According to this Court, this writ petition is not maintainable *per se* and the same stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

15.10.2024

Internet: Yes/No

Index: Yes/No

dhk

M.DHANDAPANI, J.



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