



W.P.No.32233 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.32233 of 2024

and

WMP.Nos.35012 to 35014 of 2024

R.Ramadoss

...Petitioner

Vs.

1. The Commissioner of Police,
Avadi Police Commissionerate,
Avadi, Chennai-600 054.
2. The Joint Chief Controller of Explosives,
Ministry of Commerce & Industry,
Petroleum and Explosives Safety Organization(PESO),
A & D Wing, Block 1-8, II Floor, Shastri Bhavan,
26, Haddows Road, Nungambakkam, Chennai-600 006.
3. Indian Oil Corporation Limited,
Rep. by its Senior Manager,
500, Anna Salai, Teynampet, Chennai-600 018.
4. G.Badma
5. G.Balajee
6. G.Ashok
7. Thilagavthy Ramachandran

...Respondents



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Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari to call for the records on the file of the 1st respondent and to quash the No Objection Certificate in Rc.No.Licence/101/18201/2023; NOC No.17/2023 dated 11.08.2023.

For Petitioner : Mr.Kulandaivelu

For Respondents : Mr.L.Baskaran, GA(Crl. Side), for R1
: Mr.Kumaraguru, for R2
: Mr.V.Anantha Natarajan, for R3
: Ms.MF.Shabana, for R7

ORDER

The petitioner has filed this Writ petition seeking quashment of the No Objection Certificate in Rc.No.Licence/101/18201/2023; NOC No.17/2023 dated 11.08.2023 issued by the 1st respondent.

2. Mr.L.Baskaran, learned Government Advocate(Crl. Side) takes notice on behalf of the 1st respondent, Mr.Kumaraguru, learned counsel takes notice on behalf of the 2nd respondent, Mr.V.Anantha Natarajan, learned counsel takes notice on behalf of the 3rd respondent and Ms.MF.Shabana, learned counsel takes notice on behalf of the 7th respondent. In view of the consent expressed by the learned counsel on either side, this Writ petition is taken up for final disposal at the admission stage itself.



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3. Since no adverse order is being passed against the respondents 4 to 6, notice to the respondents 4 to 6 is dispensed with.

4. The case of the petitioner is that, he purchased the agricultural land measuring an extent of 1 acre comprised in S.No.657, situated at No.144, Vallur village, Minjur, vide registered sale deed dated 06.01.2005 bearing Doc.No.50 of 2005 and the petitioner's brother and his wife, the 4th respondent herein purchased the adjacent lands comprised in S.Nos.655/1, 657 and 658/2 and the petitioner is using a portion of the above said property of the 4th respondent as a pathway to reach his property. While so, due to some difference of opinion within the family, the respondents 4 to 6 are makings attempts to prevent the petitioner's entry to his property by constructing a temporary compound wall. Aggrieved by the same, the petitioner filed a suit in O.S.No.123 of 2021 for declaration and permanent injunction on the file of the learned District Judge, Tiruvallur and the same was subsequently transferred to the Sub Court, Ponneri and renumbered as O.S.No.181 of 2022. Pending the said suit, the respondents 4 to 6 have leased out the above said disputed property to an extent of 39.57 cents in favour of



the 7th respondent for a period of 21 years and 11 months, for constructing a petroleum outlet of the 3rd respondent. Immediately, the petitioner filed another suit against the private respondents in O.S.No.76 of 2024 for permanent injunction on the file of the District Munsif Court, Ponneri and the same is also pending. In such circumstances, the 3rd respondent obtained No Objection Certificate (in short 'NOC') dated 11.08.2023 for establishing the retail outlet. Thereby, the petitioner made a representation/objection dated 23.02.2024 before the 3rd respondent informing about the pending passage disputes between the parties, which evoked no response. Hence, the present Writ has been filed, challenging the NOC dated 11.08.2023.

5. Heard learned counsel on either side and perused the material documents placed on record.

6. Though very many contentions have been advance, however, the issue involved in the present case is civil in nature, for which, the parties have already approached the civil court by filing various suits. Unless the suits in O.S.Nos.181 of 2022 & 76 of 2024, relating to passage is decided one way or the other, this Court cannot pass any affirmative order in this petition.



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7. Therefore, the impugned No Objection Certificate dated 11.08.2023 issued by the 1st respondent in favour of the 3rd respondent will be subject to the result of the pending suits in O.S.Nos.181 of 2022 & 76 of 2024.

8. Accordingly, this Writ Petition stands disposed of. No costs.
Consequently, the connected Miscellaneous petitions are closed.

29.10.2024

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NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

To:

1. The Commissioner of Police,
Avadi Police Commissionerate,
Avadi, Chennai-600 054.
2. The Joint Chief Controller of Explosives,
Ministry of Commerce & Industry,
Petroleum and Explosives Safety Organization(PESO),
A & D Wing, Block 1-8, II Floor, Shastri Bhavan,
26, Haddows Road, Nungambakkam, Chennai-600 006.
3. Indian Oil Corporation Limited,
Rep. by its Senior Manager,
500, Anna Salai, Teynampet, Chennai-600 018.

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M.DHANDAPANI, J.

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