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W.P.No.32996 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.32996 of 2024

K.Sekar

...Petitioner

Vs.

1. The District Collector,
Office of Salem District Collectorate,
Salem District, Salem.
 2. The District Revenue Officer,
Salem District, Salem.
 3. The Managing Director,
Indian Oil Corporation Ltd,
Southern Region Indian Oil Bhavan,
No.139, Mahathma Gandhi Road,
Chennai - 34.
 4. The Manager,
Indian Oil Corporation Salem Region,
Near Lorry owners Association Bunk,
Kondalampatty, Salem District.
 5. The President,
Uthamacholapuram Village (Via),
Veerapandi, Salem District.
 6. Selvaraj
 7. Navin Prabhakar
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for



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issuance of a Writ of Mandamus, directing the respondents 1 to 5 to consider the representation of the petitioner dated 22.10.2024 in accordance with law by rejecting the application of respondents 6 & 7 seeking license to install petrol bunk on the land of the petitioner in Survey No.54/11B, 18 cents, Uthamachozha Puram Village, Salem Taluk, Salem District to secure ends of justice.

For Petitioner : Mr.R.Sankarasubbu
For R1 & R2 : Mr.S.Balamurugan
Government Advocate
For R3 & R4 : Mr.V.Ananthanatarajan
Standing Counsel
For R5 : Mr.M.Muthusamy
For R6 & R7 : Mr.R.Nalliyappan

ORDER

The petitioner herein seeks a direction to the respondents 1 to 5 to consider his representation dated 22.10.2024 in accordance with law by rejecting the application of respondents 6 & 7 seeking license to install petrol bunk on the land of the petitioner in Survey No.54/11B, Uthamachozha Puram Village, Salem Taluk, Salem District.

2. By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage



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itself.

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3. It is the case of the petitioner that the above mentioned land purchased by him jointly with one Vadivel under registered document No.1153 on the file of the Sub Registrar Office, Magudanchavadi. The respondents 6 and 7 unlawfully encroached the said property and the petitioner preferred a suit in O.S.No.276 of 2022 on the file of the II Additional Subordinate Court, Salem and the same is pending. Now, the respondents 6 & 7 submitted an application before the fourth respondent seeking license to run petrol bunk in the above mentioned property. Therefore, the petitioner submitted a representation dated 22.10.2024 seeking rejection of the application submitted by the respondents 6 and 7 and the same has not been considered till date. Therefor, the petitioner is before this Court.

4. Heard Mr.S.Balamurugan, learned Government Advocate who takes notice for the respondents 1 & 2, Mr.V.Ananthanatarajan, learned standing counsel who takes notice for the respondents 3 & 4, Mr.M.Muthusamy, learned Government Advocate who takes notice for the fifth respondent and Mr.R.Nalliyappan, learned counsel who takes notice for the respondents 6 & 7



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and perused the documents enclosed in the typed set of papers.

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5. The learned counsel for the petitioner submitted that the representation submitted by the petitioner asserting his right over the above mentioned property has not been considered by the official respondents. Therefore, the petitioner is before this Court.

6. Mr.R.Nalliyappan, learned counsel appearing for the respondents 6 & 7 would submit that the documents relied on by the petitioner to assert the right over the subject property are all forged documents and hence, the petitioner is not entitled to claim any right over the said property.

7. In view of the above submission made by the learned counsel appearing for the petitioner and the respondents 6 & 7, without going into the merits of the claim made by the parties, this Court is inclined to issue a direction to the fourth respondent to consider the representation of the petitioner dated 22.10.2024 and pass final orders, on it's own merits, after affording reasonable opportunity to the petitioner and the respondents 6 & 7, within a period of eight weeks from the date of receipt of a copy of this order.



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8. With the above direction, this Writ Petition is disposed of. No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

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S. SOUNTHAR, J.

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