



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33410 of 2023

and

W.M.P.No.33135 of 2023

P.Paari

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Nagapattinam District,
Nagapattinam – 611 003.
- 2.The District Revenue Officer,
District Collector Office,
Nagapattinam District,
Nagapattinam – 611 003.
- 3.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Nagapattinam – 611 001.
- 4.M/s.Essar Oil,
5th Floor, Chennai House,
7, Esplanade, Chennai – 600 109.
- 5.The Joint Chief Controller of Explosives,
A and D -0 Wing Block – 1-8,
Second Floor, Shastri Bhavan,
No.26, Haddows Road,



Nungambakkam, Chennai – 600 006.

6.Mr.K.Ashok Kumar

7.Ms.A.Priyanka

8.Mr.A.Sivagurumurthy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to dispose of the representation dated 02.03.2022, directing the 1st and the 2nd respondents to cancel the NOC granted in favour of respondents 7 to 9.

For Petitioner	: Mr.M.Sriram
For R1 to R3	: Mr.U.Baranidharan Additional Government Pleader
For R4	: Mr.Vijay Meghanath For M/s.AAV.Partners
For R5	: Mr.A.Kumaraguru SCGSC
For R6 to R8	: Mr.N.Manokaran



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ORDER

The writ petition has been instituted to dispose of the representation dated 02.03.2022 sent by the petitioner and to cancel the NO Objection Certificate (NOC) granted in favour of the respondents 7 to 9.

2. The Joint Controller of Explosives / 5th respondent has given a e-mail communication stating that the license was granted on 22.02.2024. Subsequently, the license was suspended on 12.03.2024 as the NOC was granted in name of the ESSAR Oil and not in the name of Nayara Energy Limited and also the structure existing within 100 meters around the retail outlet do not tally with the structures shown in the NOC drawing. A complaint has been received on frontage dimension available at the service station. While suspending the license a show cause notice was also issued to cancel the license within 15 days from the date of the suspension order.

3. Mr.N.Manokaran, learned counsel for the respondents 6 to 8 would submit that explanation has already been submitted on 18.03.2024 in response to the show cause notice issued by the 5th respondent.



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4. However, now the issues are in the process of adjudication and that being so, the official respondents are empowered to consider the issues including the representation submitted by the petitioner and take a decision on merits and in accordance with law.

5. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

15.04.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

1.The District Collector,
District Collector Office,
Nagapattinam District,
Nagapattinam – 611 003.

2.The District Revenue Officer,
District Collector Office,
Nagapattinam District,
Nagapattinam – 611 003.



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3.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Nagapattinam – 611 001.

4.The Joint Chief Controller of Explosives,
A and D -0 Wing Block – 1-8,
Second Floor, Shastri Bhavan,
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S.M.SUBRAMANIAM, J.

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