



W.P(MD)No.5111 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5111 of 2024

and

W.M.P.(MD)No.4889 of 2024

A.Kaliraj

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Highways and Minor Ports Department,
Secretariat,
Fort St.George, Chennai-600009.

2.The District Revenue Officer,
Tenkasi District, Tenkasi.

3.The Divisional Engineer,
Highways (C&M)
Tenkasi District.

4.Indian Oil Corporation Limited,
Rep. by its Regional Manager,
Madurai Divisional Office,
No.2, Race Course Road,
Chokkikulam, Madurai-2.

5.Prema

6.Bharath Petroleum Corporation Limited,
Rep. by its Regional Manager,
B.G.Goods Shed Road, Thachanallur,
Tirunelveli-627 358.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the 3rd respondent from granting No Objection Certificate to the 5th respondent to begin petroleum outlet in land bearing Survey Number 130/2A2 and 130/2B situated in Kuvalaikannai Village, Karivalamvandanallur Taluk, Tirunelveli District.

For Petitioner : Mr.K.Jeyamohan

For Respondents : Mr.A.Kannan
Additional Government Pleader for R1 to R4

: Mr.J.Jeevin for R5

: Mr.S.Nateshraj for R6

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government P leader for R1 to R4 and the learned counsel for R5 & R6.

2. The petitioner wants this Court to restrain the DRO, Tenkasi from granting NOC to the fifth respondent to open the petroleum outlet in the petition mentioned survey number. This Court cannot assume that the second respondent will act contrary to law. In any event, the statutory authority cannot be prevented from discharging his statutory function. If the order passed by the second respondent is adverse to the petitioner's interest, the petitioner can



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always come to this Court for relief by challenging the same. In order to enable the petitioner to do so, the second respondent is directed to serve copy of the order passed by him in the matter. Service of the said order will be done immediately after it is issued.

3. With this direction to the second respondent and liberty to the petitioner, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

05.03.2024

Index : Yes / No
Internet : Yes/ No
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To

- 1.The Principal Secretary to Government,
Highways and Minor Ports Department,
Secretariat,
Fort St.George, Chennai-600009.
- 2.The District Revenue Officer,
Tenkasi District, Tenkasi.
- 3.The Divisional Engineer,
Highways (C&M)
Tenkasi District.
- 4.Indian Oil Corporation Limited,
Rep. by its Regional Manager,
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