



W.P(MD)No.9123 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.04.2024

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.9123 of 2024
and
W.M.P.(MD)No.8307 of 2024

P.Paramasivam

... Petitioner

Vs.

- 1.The District Collector,
Theni District, Theni.
- 2.The District Revenue Officer,
District Collectorate Campus,
Theni, Theni District.
- 3.The Revenue Divisional Officer,
Periyakulam Sub Division,
Theni District.
- 4.The Divisional Engineer (Highways),
Construction and Maintenance,
Highway Department,
Theni, Theni District.
- 5.The Executive Engineer,
Public Works Department (WRO),
Theni, Theni District.



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6.The Territory Manager (Retail),
M/s.Bharat Petroleum Corporation Limited,
South Regional Office,
No.1, Ranganathan Gardens,
11th Main Road, Anna Nagar,
Chennai.

7.The Additional Director and Divisional Head,
Central Pollution Control Board,
Delhi-110 032.

8.R.Vithun

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the Respondents No.6 and 7 from establishing the Petroleum retail outlet in Survey No.484/2A in Mayiladumparai, Aundipatty Taluk, Theni District based on the petitioners representation dated 20.02.2024.

For Petitioner : Mr.K.Kumaravel

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R5.
Mr.S.Natesh Raja for R6.

ORDER

Heard the learned counsel for the writ petitioner, the learned Special Government Pleader for the respondents 1 to 5 and the learned standing counsel for BPCL.

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2.The petitioner wants this Court to forebear BPCL and the seventh respondent from setting up petroleum retail outlet in the petition mentioned survey number.

3.When the matter was taken up for hearing, the learned Special Government Pleader produced copy of the no objection certificate issued by the jurisdictional District Revenue Officer.

4.The learned counsel for the petitioner emphasizes the fact that a water course runs in the vicinity and that it is within the prohibited distance. He relies on the office memorandum dated 16.08.2021 issued by the Central Pollution Control Board. He wants this Court to grant relief as prayed for.

5.We are not impressed by the submissions advanced by the learned counsel for the petitioner. The office memorandum dated 16.08.2021 contains only guidelines and they cannot be elevated to the status of a statutory provision. S.No.484/2A is admittedly a patta land. The District Revenue Officer, Theni has gone into all the aspects



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including the existence of the water channel and only thereafter has issued the no objection certificate. Interference is not warranted and the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.S.J.) & (B.P.J.)
16.04.2024**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The District Collector,
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District Collectorate Campus,
Theni, Theni District.
- 3.The Revenue Divisional Officer,
Periyakulam Sub Division,
Theni District.
- 4.The Divisional Engineer (Highways),
Construction and Maintenance,
Highway Department,
Theni, Theni District.
- 5.The Executive Engineer,
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**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

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