



WP(MD). No.11279 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 22/05/2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

and

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP(MD). No.11279 of 2024

Pandian,

... Petitioner

Vs

- 1. The District Collector,
Pudukkottai District,
Pudukkottai.**
- 2. The Revenue Divisional Officer,
Pudukkottai District,
Pudukkottai.**
- 3. The Station House Officer,
Fire and Rescue Officer,
Kovilur,
Pudukkottai District.**
- 4. The Superintending Engineer,
TANGEDCO,
Pudukkottai District,
Pudukkottai.**



WP(MD). No.11279 of 2024

5. The Regional Manager,
South Zone,
Indian Oil Corporation Limited,
No.6/13, Weather Carpet Road,
Nungambakkam,
Chennai..

6. Kunasekaran,

... Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the Respondents 1 to 5 not to provide permission to open the Indian Oil Corporation fuel retail station in S.No. 113/6 (Punja land) at Sangamviduthi village, Gandarvakottai taluk, Pudukkottai district, based on the petitioner's representation, dated 08.04.2024.

For Petitioner : Ms.S.Prabha

For Respondent : Mr.A.Kannan for R1 to R3
Additional Government Pleader

For Respondent : Mr.S.Deena Dhayalan for R4
Standing Counsel

For 5th Respondent : Mr.K.Mahaboob Athiff

ORDER

(Order of the Court was made by R.N.MANJULA, J)

Heard Ms.S.Prabha, learned counsel for the petitioner,
Mr.A.Kannan, learned Additinoal Government Pleader for R1 to R3,
Mr.S.Deenadayalan, learned counsel for the 4th respondent and



WP(MD). No.11279 of 2024

Mr.K.Mahaboob Athiff, learned counsel for the respondent No.5.

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2.This writ petition has been filed for a direction to the respondents 1 to 5 not to provide permission to open the Indian Oil Corporation fuel retail station in S.No. 113/6 (Punja land) at Sangamviduthi village, Gandarvakottai taluk, Pudukkottai district, based on the petitioner's representation, dated 08.04.2024.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself. Since no adverse order is going to be passed against the 6th respondent, notice to the 6th respondent is dispensed with.

4. The petitioner herein had given a representation to the official respondents on 08.04.2024 requesting not to provide permission to open the Indian Oil Corporation fuel retail station in S.No. 113/6 (Punja land) at Sangamviduthi village, Gandarvakottai taluk, Pudukkottai District. Since the said representation was not considered by the first respondent so far, the present writ petition has been filed.



WP(MD). No.11279 of 2024

5. The land in question belongs to the 6th respondent herein. The petitioner is said to be the neighbouring land owner. The 6th respondent did not raise any objection for opening the fuel retail outlet, even if it is presumed to be stationed in his land. The petitioner has submitted that allowing a fuel retail outlet in the residential area, the destined land would cause environmental issues, especially, it would affect the surrounding agricultural lands.

6. However, Mr.Mahaboob Athiff, learned counsel, who takes notice for the 5th respondent, submitted that the first respondent has given no objection certificate only after getting opinion from the concerned authorities and one of the conditions for granting permission is that the 5th respondent has to abide by the conditions imposed by the Pollution Control Board.

7. It is pertinent to note here that the petitioner is not aware of the conditions that might be imposed by the Pollution Control Board and his apprehension is that permission should have been given without consulting the Pollution Control Board. Since no objection certificate



WP(MD). No.11279 of 2024

has been given only observing all the formalities, the petitioner need not have any apprehension on that score. Since no prima facie ground is made out to treat the petition as public interest litigation, this petition is **dismissed**. No costs.

(R.N.M, J.) (C.K.,J.)
22.05.2024

NCC : Yes/No
Index : Yes/No

RR

To

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Pudukkottai.
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WP(MD). No.11279 of 2024

R.N.MANJULA, J.

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W.P.(MD)No.11279 of 2024

22.05.2024