



W.P(MD)No.13343 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.13343 of 2021

and

W.M.P(MD)Nos.10321 & 10324 of 2021

A.Malarvizhi

... Petitioner

Vs

- 1.The District Collector,
Velunachiyar Valagam,
Dindigul District.
- 2.The Territory Manager (Retail),
Bharat Petroleum Corporation Limited,
Madurai Retail Territory,
37, Tirupparankundram Road,
Pasumalai,
Madurai – 625 004.
- 3.The District Revenue Officer,
Velunachiyar Valagam,
Dindigul District – 624 001.
- 4.The Joint Chief Controller of Explosives,
140, Rukmani Lakshmi pathi Marshalls Road,
Egmore,
Chennai – 600 008.
- 5.The Chief Educational Officer,
Palani Road,
Vanivilasmedu,
Dindigul District,
Dindigul – 624 001.

6.Akhilesh

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the respondents resulting in the third respondent's impugned No Objection Certificate dated 17.02.2021 passed in R.Dis.No.21240/2020/C4 and the consequential second respondent impugned reply dated 01.07.2021 and the Explosive Certificate issued by the fourth respondent vide P/SC/TN/14/9357 (P494169) dated 26.03.2021 and quash the same and forbearing the respondents 1 to 3 from allowing the sixth respondent to run the petrol bunk in the name and style of M/s.EPS Agencies at Markkampatti Village, Othanchatram Taluk, Dindigul District bearing Survey No.132/3D2A1.

For Petitioner : Mr.V.R.Venkatesan

For RR 1, 3 & 5 : Mr.V.Om Prakash
Government Advocate

For R – 2 : Mr.S.Natesh Raja

For R – 4 : Mr.S.Jeya Singh
Central Government Standing Counsel

For R – 6 : Mr.H.Lakshmi Shankar

ORDER

This Writ Petition has been filed by the petitioner challenging the order passed by the third respondent dated 17.02.2021, thereby issuing No Objection Certificate for the retail outlet of petroleum products and the consequential order passed by the second respondent dated 01.07.2021 and the Explosive Certificate issued by the fourth respondent dated 26.03.2021.



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2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The petitioner already filed a Writ Petition in W.P(MD)No.7057 of 2021 for a direction forbearing the respondents from proceeding with the installation work of the petrol station being carried out by the sixth respondent in the land comprised in Survey No.132/3D2A1 situated at Markkampatti Village, Othanchatram Taluk, Dindigul District in order to prevent potential hazards to the health, safety and security of the students, their parents and staff members of the nearby Government Higher Secondary School situated at Markkampatti Village, Ottanchatram Taluk, Dindigul District. It was dismissed on 29.03.2021 and the Writ appeal filed by the petitioner before the Hon'ble Division Bench of this Court in W.A(MD)No.1190 of 2021, was partly allowed by order dated 23.06.2021 by issuing direction to the respondents to consider the representation submitted by the petitioner. It was rejected and the third respondent by order dated 17.02.2021 issued No Objection Certificate for opening the retail outlet by the sixth respondent on the basis of the recommendations of other concerned



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authorities. The petitioner raised the ground that the petroleum outlet is situated adjacent to the School within a distance of 156 meters. As per G.O.No.256, dated 22.12.2015, the Schools are not to be located near petrol bunk which is less than 100 meters and also the eligibility for obtaining No Objection Certificate from the concerned revenue authorities, the petrol bunk ought to have been established at 100 meters away from School, College, Hospitals, Temple, Mosque, Church and Graveyard. Further, the transformer is also located within the distance of 104 meters from the petroleum outlet which is a prohibited distance as per the regulations of the petroleum Corporation.

4.On perusal of the counter-affidavit filed by the sixth respondent and on the submissions made by Mr.H.Lakshmi Shankar, learned counsel appearing for the sixth respondent would reveal that the petitioner is none other than the competitor who is also running a petroleum outlet in the same area. Therefore, this Writ Petition itself is a motivated one. Further, the Code of Regulations for Play Schools, 2015 relied upon by the petitioner for regulating the establishment of play Schools. It prescribes various safety measures for locating the play School. It was not issued to the



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petroleum outlets which are governed by the Petroleum Act, 1934 and the Petroleum Rules, 2002. Therefore, the code of regulation for play Schools does not prevent the operation of a petrol bunk. That apart, the School as mentioned by the petitioner is a Higher Secondary School and not a play School which does not attract the regulations of the play School. Further, there is no general rule under the Petroleum Act, 1934 or Petroleum Rules, 2002, mandating the establishment of petrol pumps only at a distance of 100 meters and above from Schools, Colleges, Hospitals, Temples, Mosques, Churches and graveyards. After receipt of reports from all the authorities concerned, No Objection Certificate was issued to set up the retail outlet by the third respondent herein. That apart, the retail outlet has been now in operation and there is absolutely no hindrance to the general public or the School. Therefore, the representation submitted by the petitioner was rightly rejected by the second respondent. In view of the above, this Court finds no infirmity or illegality in the orders passed by the respondents 2 to 4. Hence, this Writ Petition is devoid of merits and the same is liable to be dismissed.



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5. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

18.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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