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W.P.(MD)No.18432 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.18432 of 2024
and
W.M.P.(MD)No.15680 of 2024**

Subramanian, S/o.Perumal

... Petitioner

-vs-

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Commissioner of Police,
Tirunelveli City, Tirunelveli.
- 3.Tahsildar,
Kokkirakulam Taluk,
Tirunelveli District.
- 4.The District Head,
Fire Safety and Fire Extinguishing Office,
Tirunelveli District.
- 5.The Zonal Engineer,
Highways Building and Maintenance Office,
Tirunelveli District.
- 6.The Inspector of Police,
Melapalayam Police Station,
Melapalayam,
Tirunelveli District.



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7.Aamina Beevi @ Mohammed Aamina

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents 1 to 6 from granting permission to the seventh respondent to start a new petrol pump in the proposed site situated in S.Nos.218, 219 and 220, opposite to Mariamman Temple, Thalavai and Sudalai Madasamy Temples in Kurinji Road at Melapalayam Village, Tirunelveli District, by considering to the petitioner representation dated 05.06.2024.

For Petitioner	:	Mr.K.Navaneetharaja
For R1 to R5	:	Mr.P.Thilak Kumar Government Pleader
For R6	:	Mr.B.Thanga Aravind Government Advocate (Criminal side)

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Prayer in this Writ Petition reads as follows:-

"To issue a Writ of Mandamus forbearing the respondents 1 to 6 from granting permission to the seventh respondent to start a new petrol pump in the proposed site situated in S.Nos.218, 219 and 220, opposite to Mariamman



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Temple, Thalavai and Sudalai Madasamy Temples in Kurinji Road at Melapalayam Village, Tirunelveli District, by considering to the petitioner representation dated 05.06.2024."

2. Since we are not passing any adverse order, notice to the seventh respondent is deemed unnecessary.

3. It is the claim of the petitioner that the proposed site, in which, the petrol bunk is sought to be situated, is within the prohibited distance of 100 meters from the road intersection and the same is prohibited as per G.O. (Ms)No.25, Highways and Minor Ports (HN.2) Department, dated 24.02.2022. The petitioner has already submitted an objection to the respondents 1 and 2, noting that the size of the plot is smaller than the required size. It is also the claim of the petitioner that the proposed site is within 15 meters of a residential area.

4. The learned counsel for the petitioner would also rely upon the order passed by the Division Bench of this Court dated 13.10.2023 in **Senthil Kumar vs. The Union of India, Rep. by its Secretary, Ministry of Petroleum and Natural Gas, New Delhi and others** [W.P.(MD)No.14603 of 2020 etc. batch].



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5. It is seen from the papers, the petitioner has lodged an objection with the respondents 1 and 2 highlighting about the above features. The official respondents, who are authorized to grant permission for the petrol bunk, will consider the petitioner's objections before making a decision. If the petitioner's claims are found to be valid, permission will naturally be refused.

6. We do not see any reason to entertain the Writ Petition at this stage. It is open for the petitioner to challenge the decision of the authorities, if it goes against him. The present Writ Petition is, therefore, dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : No
Index : No
Internet : Yes / No
smn2

[R.S.M., J.] [L.V.G., J.]
05.08.2024

To:

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- 2.The Commissioner of Police,
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- 4.The District Head,
Fire Safety and Fire Extinguishing Office,
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- 5.The Zonal Engineer,
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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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