



W.P.(MD)No.21282 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.21282 of 2024

and

W.M.P.(MD)No.18006 of 2024

The General Manager (Retail)
M/s.Hindustan Petroleum Corporation Ltd.,
90, MSDR Enclave, Bharathidasan Road,
Cantonment,
Trichy 620001.

...Petitioner

Vs.

- 1.The Commissioner,
Trichy Municipal Corporation,
Trichy-620001.
- 2.The Commissioner of Police,
Trichy-620001.
- 3.The Joint Chief Controller of Explosives,
Block-1, Shastri Bhavan,
No.26, Haddows Road,
Nungambakkam,
Chennai-600034.
- 4.The District Fire Officer,
Beema Nagar, Cantonment,
Trichy District.



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5.The Divisional Engineer,
Highways Department,
No.25/28, Sankar Illam,
Subramaniapuram,
Trichy-620020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for records from the second respondent in his proceedings under Ref.No.C4/6042/2024 dated 29.02.2024 and quash the same as illegal and against the provision of Petroleum Rules, 2002.

For Petitioner : Mr.M.Sridhar

For R1 & R5 : Mr.M.Muthumanikkam
Government Advocate (Civil Side)

For R2 & R4 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

For R3 : Mr.S.Jeya Singh
Central Government Standing Counsel

ORDER

The Writ Petition is directed against the order dated 29.02.2024 passed by the second respondent.

2. It is not in dispute that the second respondent has issued No Objection Certificate dated 08.01.2024 for granting licence under the



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Petroleum Rules, 2002 to the General Manager, Hindustan Petroleum Corporation Limited, for their new HSD/MS Storage of Petroleum Retail outlet in their premises at T.S.No.104/2&10, Ward AV, Block No.2&3, Kottapattu Village, Trichy East Taluk, Trichy District by imposing some conditions and that subsequently the second respondent has passed the impugned order dated 29.02.2024 cancelling the No Objection Certificate issued on 08.01.2024 on the ground that there is possibility for accidents and taking note of the protection of common people.

3. Admittedly, the second respondent before passing the impugned order cancelling the No Objection Certificate, has not issued any notice to the writ petitioner nor given any reasonable opportunity of being heard to the writ petitioner.

4. It is not the case of the second respondent that they have issued notice before passing the impugned order. Since the second respondent has passed the impugned order without giving notice and thereby violating the principles of natural justice, this Court has no hesitation to hold that the impugned order is bad in law and the same is liable to be



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quashed.

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4. In the result, the Writ Petition stands allowed and the impugned order dated 29.02.2024 is hereby quashed. The second respondent is directed to issue necessary notice to the writ petitioner and hear them and then to pass orders in accordance with law. Consequently, connected Miscellaneous Petition is closed. No costs.

18.09.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm

To

- 1.The Commissioner,
Trichy Municipal Corporation,
Trichy-620001.
- 2.The Commissioner of Police,
Trichy-620001.
- 3.The Joint Chief Controller of Explosives,
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4. The District Fire Officer,
Beema Nagar, Cantonment,
Trichy District.
5. The Divisional Engineer,
Highways Department,
No.25/28, Sankar Illam,
Subramaniapuram,
Trichy-620020.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J

csm

Order made in
W.P.(MD)No.21282 of 2024
and
W.M.P.(MD)No.18006 of 2024

Dated : 18.09.2024