



W.P.(MD)No.23644 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM:

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

**W.P.(MD)No.23644 of 2024
and
W.M.P.(MD)Nos.20020 and 20022 of 2024**

Delviston, S/o.Thirukudumbam

... Petitioner

-VS-

- 1.The State of Tamil Nadu,
Rep. by its the Commissioner,
Corporation of Madurai,
Aringar Anna Maaligai,
Thallakulam,
Madurai.
- 2.The Assistant Executive Engineer (Planning),
Madurai Corporation,
Zone No.2 Aringar Anna Maaligai,
Thallakulam,
Madurai.
- 3.District Town and Country Planning,
Office Madurai District,
Zone 2, Sector VI,
Anaiyur, Mudakkathan Main Road,
Koodal Pudur, Madurai - 625 017.



W.P.(MD)No.23644 of 2024

4.K.Anand

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire record pertaining to the impugned proceedings in U.Aanai :115/BL/2024/00034 dated 05.01.2024, issued by the respondents 2 and 3 in favour of the fourth respondent, quash the same as illegal and consequently, direct the second respondent to strictly follow the norms prescribed under G.O.Ms.No.25, Highway and Minor Ports (HN.2) Department, dated 24.02.2022.

For Petitioner	:	Mr.P.M.Vishnuvarthanan
For R1 and R2	:	Mr.K.Sivabalan Standing Counsel
For R3	:	Mr.P.Thilakkumar Government Pleader

ORDER

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

The petitioner challenges the planning permission issued to the fourth respondent for making certain construction.



W.P.(MD)No.23644 of 2024

WEB COPY

2. It is the claim of the petitioner that the fourth respondent has not obtained No Objection Certificate for establishing a Petroleum Retail Outlet in the land in question.

3. We are unable to fathom the contention of the learned counsel for the petitioner that the issuance of No Objection Certificate by the revenue authorities is mandatory even for commencing construction or granting planning approval. No Objection Certificate contemplated under the Indian Roads Congress [IRC] Rules is only for establishment of a retail outlet. That will not prevent the respondents from taking preparatory action. Hence, we do not see any merit in the Writ Petition. The Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : No
Index : No
smn2

[R.S.M., J.] [L.V.G., J.]
03.10.2024

To

1.The Commissioner,
Corporation of Madurai,
Aringar Anna Maaligai,
Thallakulam,
Madurai.



W.P.(MD)No.23644 of 2024

2.The Assistant Executive Engineer (Planning),
Madurai Corporation,
Zone No.2 Aringar Anna Maaligai,
Thallakulam,
Madurai.

3.District Town and Country Planning,
Office Madurai District,
Zone 2, Sector VI,
Anaiyur, Mudakkathan Main Road,
Koodal Pudur, Madurai - 625 017.



WEB COPY



W.P.(MD)No.23644 of 2024

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

smn2

W.P.(MD)No.23644 of 2024
and
W.M.P.(MD)Nos.20020 and 20022 of 2024

03.10.2024