



W.P.(MD)No.25344 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25344 of 2024

and

W.M.P.(MD)No.21512 of 2024

T.Jagadeesan

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Madurai.
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Madurai District.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Thirumangalam,
Madurai District.
- 4.The Tahsildar,
Office of the Tahsildar,
Thirupparankundram Taluk,
Madurai District.

- 5.Sathya Subramanian
- 6.A.P.Sabarivinayagam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1 to 4th respondents not to grant



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permission and prevent the respondents 5 and 6 from in any manner establishing the Indian Oil Corporation Petrol Bunk along with stock Sales outlet in the property comprised in S.No.69/1 B2 and 69/4 A2 situated at Sakkilipatti Village, Madurai and consequently directing the respondents 1 to 4 to grant permission to locate some other lands which are non agricultural lands from establishing the Indian Oil Corporations Petrol Bunk along with Stok Sales Outlet.

For Petitioner : Mr.K.P.Ramesh
For R1 to R4 : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This writ petition is filed to direct the respondents 1 to 4 not to grant permission and prevent the respondents 5 and 6 from in any manner establishing the Indian Oil Corporation Petrol Bunk along with stock Sales outlet in the property comprised in S.No.69/1 B2 and 69/4 A2 situated at Sakkilipatti Village, Madurai.

2.Mr.D.Gandhiraj, learned Special Government Pleader takes notice for the respondents 1 to 4. Considering the nature of order proposed to be passed in this writ petition, notice to the respondents 5 and 6 is dispensed with.



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3.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4.The grievance of the petitioner is that the subject property is the agricultural land of the petitioner. The respondents 5 and 6 have sought permission to establish a petroleum outlet very adjacent to the petitioner's property. Hence, the petitioner had made a representation to the second respondent not to grant any such permission to the respondents 5 and 6 stating that if permission is granted to the respondents 5 and 6 for establishing the petroleum bunk in the subject properties, that would result in serious consequences to the soil and water in the agricultural land. Hence, he seeks a direction.

5.At the outset, this Court is of the view that this writ petition is nothing but a abuse of process of law. The petitioner cannot prevent the right of the lawful owner, who is enjoying the property, to deal with the property in any manner. The respondents 5 and 6 have obtained appropriate sanction from the concerned authorities as per the relevant Rules in force. Therefore, if such a blanket direction as sought for by the petitioner is given, it will take away the



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constitutional right of an individual to carry out the business in his own property. It is for the authorities to decide the issue and grant permission to the private respondents herein in accordance with law. Hence, I do not find any merits in this writ petition. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

24.10.2024

NCC:yes/no
Index:yes/no
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N.SATHISH KUMAR, J.

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