



WP(MD). No.24606 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 19/10/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

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K.Karuthapandiyan

... Petitioner

Vs

1. The Chief Secretary,
Ministry of Petroleum and Natural Gas,
New Delhi.

2. The Joint Chief Controller Of Explosives,
(South Circle),
140, Rukmini Laxmipati Road, Egmore,
Chennai-600 008..

3. The District Collector,
Office of District Collector,
Tenkasi DistrictTenkasi.

4. The Superintendent Engineer,
Highways Construction and Maintenance Department,
Palayamkottai,
Tirunelveli 627 007.



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5. The Divisional Engineer,
Highways Construction and Maintenance Department,
Tenkasi,
Tenkasi District.

6. The Deputy Director of Fire and Rescue Services,
Tamil Nadu Fire and Rescue Services Department,
Melaveli Street,
Madurai 625 001.

7. The District Officer,
Tamil Nadu Fire and Rescue Services Department,
Tenkasi District,
Tenkasi..

8. The Deputy Chief Controller of Explosive,
Sivakasi Sub Circle Office,
Frdc Complex,
Near Esi Hospital,
Sivakasi West - 626130,
Virudhunagar District..

9. The Chief Divisional Retail,
Sales Manager, Indian Oil Corporation Limited
Madurai Divisional Office,
No.2, Race Course Road,
Chokkikulam,
Madurai 625 002.

10. P.Mahendran,
S/o Petchiyappan,
Malayankulam Village,
Thiruvankadam Taluk,
Tenkasi District.

... Respondents



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PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents No.3 to 5 to reconsider the NOC given to the 10th respondent to open the retail outlet of Indian Oil Corporation Limited in Survey No.404B/1-B in near Tamilnadu Jai Bharath Mill Limited, Malayankulam Revenue Village, Thiruvenkadam Taluk, Tenkasi District as it violates the G.O(Ms).No.79 Housing and Urban Development (UD4(3)) Department dated 04.05.2017, G.O(Ms).No.121 Highways and Minor Ports (HN.2) Department dated 12.09.2023, Unified Guidelines for Access Permission to Fuel Stations issued by the Indian Roads Congress and Brochure of Selection of Dealers for Regular & Rural Retail Outlets of oil companies by considering the petitioner's representation dated 28.09.2024 within a period stipulated by this Court.

For Petitioner : Mr.Haja Mohideen A,

For Respondents : Mr.D.Gandhiraj for R3 to R8
Special Government Pleader

Mr.K.Govindarajan for R1&R2
Deputy Solicitor General

Mr.Mahaboob Athiff fr R9

ORDER

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



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2. This writ petition has been filed for a mandamus to direct the respondents No.3 to 5 to reconsider the NOC given to the 10th respondent to open the retail outlet of Indian Oil Corporation Limited in Survey No. 404B/1-B near Tamilnadu Jai Bharath Mill Limited, Malayankulam Revenue Village, Thiruvenkadam Taluk, Tenkasi District as it violates G.O(Ms).No.79 Housing and Urban Development (UD4(3)) Department dated 04.05.2017, G.O(Ms).No.121 Highways and Minor Ports (HN.2) Department dated 12.09.2023, Unified Guidelines for Access Permission to Fuel Stations issued by the Indian Roads Congress and Brochure of Selection of Dealers for Regular & Rural Retail Outlets of oil companies by considering the petitioner's representation dated 28.09.2024 within a period stipulated by this Court.

3. The petitioner has given a representation to the respondents 3 to 5 to consider his objection and to cancel the permission granted to the 10th respondent.

4. I have considered the rival submissions and perused the materials available on record.



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5. A perusal of the entire affidavit would show that the petitioner is a rival trader and he has already obtained trade license in this regard and is running a petroleum outlet. The distance between his retail outlet and the proposed outlet is more than 3 kms. Therefore, once the statutory authority has already considered all the relevant Rules and granted the license as per the existing Rules, the petitioner being the rival trader cannot seek to review such order. Hence, I do not find any merit in this writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

19.10.2024

RR



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To

3. The District Collector,
Office of District Collector,
Tenkasi District Tenkasi.

4. The Superintendent Engineer,
Highways Construction and Maintenance Department,
Palayamkottai,
Tirunelveli 627 007.



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5. The Divisional Engineer,
Highways Construction and Maintenance Department,
Tenkasi,
Tenkasi District.

6. The Deputy Director of Fire and Rescue Services,
Tamil Nadu Fire and Rescue Services Department,
Melaveli Street,
Madurai 625 001.

7. The District Officer,
Tamil Nadu Fire and Rescue Services Department,
Tenkasi District,
Tenkasi..

8. The Deputy Chief Controller,
Of Explosive, Sivakasi Sub Circle Office,
Frdc Complex,
Near Esi Hospital,
Sivakasi West - 626130,
Virudhunagar District..



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N.SATHISH KUMAR,J

**ORDER
IN
WP(MD) No.24606 of 2024**

Date : 19/10/2024