



W.P.(MD) No.25749 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2024

CORAM:

**THE HONOURABLE MR.K.R.SHRIRAM, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

**W.P.(MD) No.25749 of 2024
and
W.M.P.(MD) No.21815 of 2024**

S.Lenin Kannan

... Petitioner

-VS-

- 1.The District Collector
Tirunelveli District
Tirunelveli
- 2.The District Revenue Officer
Tirunelveli District
Tirunelveli
- 3.The Divisional Engineer
(Construction and Maintenance)
State Highways
Tirunelveli



W.P.(MD) No.25749 of 2024

WEB COPY

4.The District Officer
Fire and Rescue Department
Tirunelveli District
Tirunelveli

5.The Tahsildar
Ambasamudram Taluk
Tirunelveli District

6.The Divisional Retail Head
Indian Oil Corporation Limited
No.2, Race Course Road
Chokkikulam
Madurai-625 002

7.Petroleum and Explosives
Safety Organisation
No.26, Haddows Road
Subba Road Avenue
Nungambakkam
Chennai-6

8.Hamitha Banu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing these respondents 1 and 2 forbearing from issuing NOC to the eighth respondent in getting license to run a petrol and diesel outlet / petrol bunk of Indian Oil Corporation in Ambur Papanasam Road in a site of 3 hecs in S.No.181/2 in Vickramasingapuram Village, Ambasamudram Taluk, in Tirunelveli District, as per the representations dated 08.06.2024 given by the



W.P.(MD) No.25749 of 2024

public of Vickramasingapuram Village.

For Petitioner : Mr.F.X.Eugene

For Respondents : Mr.P..Thilakkumar
Government Pleader for R1 to R5

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Petitioner's main grievance is respondent No.8 will be allotted a retail outlet by respondent No.6 without following due process. According to petitioner, the villagers are opposed to the proposed place of setting up a retail outlet by respondent No.6 through respondent No.8, as the proposed earmarked place is not suitable for a retail fuel dispensing station.

2. Counsel for petitioner states that the Fire and Rescue Service Department has already issued a NOC and very soon, the Revenue Department shall also issue a NOC.



W.P.(MD) No.25749 of 2024

WEB COPY

3. We would assume, and correctly so, that respondent No.6, which is Indian Oil Corporation Limited, will not allot or permit a retail outlet to be set up without following due process.

4. The petitioner may forward a copy of this petition to respondent No.6, who shall consider the same before issuing a final letter of allotment to respondent No.8 to set up a retail outlet at the proposed earmarked place.

5. Certainly, respondent No.6 shall call for the views of respondent No.8 on the allegations / averments made by petitioner and take a decision in accordance with law.

6. Writ petition is disposed of.

7. We hasten to add we have not made any observation on the merits of petitioner's case. The order passed today shall not be considered as the Court having expressed any views or apprehensions in this matter. There shall be no order as to costs. Consequently, interim application stands disposed of.



WEB COPY



W.P.(MD) No.25749 of 2024

[K.R.SHRIRAM., C.J.]

[MOHAMMED SHAFFIQ,

J.]

28.10.2024

NCC : Yes / No
Index : Yes / No

krk

To:

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.
- 3.The Divisional Engineer,
(Construction and Maintenance),
State Highways,
Tirunelveli.
- 4.The District Officer,
Fire and Rescue Department,
Tirunelveli District,
Tirunelveli.
- 5.The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.



WEB COPY



W.P.(MD) No.25749 of 2024



WEB COPY



W.P.(MD) No.25749 of 2024

THE HON'BLE CHIEF JUSTICE
and
MOHAMMED SHAFFIQ, J.

krk

W.P.(MD) No.25749 of 2024
and
W.M.P.(MD) No.21815 of 2024

28.10.2024