



W.P.No.2982 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.2982 of 2025 and
W.M.P.Nos.3266 and 3267 of 2025

1.Prabhu.R.
2. V.C.Palanisamy
3. Ramesh Kumar
4. Vijayalakshmi

... Petitioners

vs.

1.The Joint Chief Controller of Explosives
South Circle-Chennai,
Petroleum And Explosives Safety Organisation(PESO),
A and D Wing, Block 1-8, 2nd Floor, Shastri Bhawan,
No.26, Haddows Road, Nungambakkam, Chennai-600
006

2.The District Revenue Officer
Erode District Collectorate Complex,
State Highway 96, Opp.District Court,
Pallapalayam, Erode District-638001

3.The Divisional General Manager (Retail Sales)
M/s.Indian Oil Corporation Ltd,
Coimbatore Divisional Office, Indian Oil Bhawan No.8/1079,
Avinashi Road, Coimbatore-641 018

4.C.S.Jayaraman and Co.
Dealer -Indian Oil Corporation Ltd,
Sathy Road, Gobichettipalayam-638452

.... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to cancel the Final Explosive Licence No.P/SC/TN/14/1474(P33943)dated 19.11.2024 valid upto 31.12.2027 and the 2nd respondent to cancel the No Objection certificate No.KDis/12459/63 dated 12.2.1964 that were issued to the 3rd respondent to operate the Petroleum Retail Outlet in Ward-A, Block-14, T.S.Nos.28 and 29, Old survey No.49/A, Erode -Sathy Road, Gobichettipalayam Taluk, Gobichettipalayam Erode District-638452 without verifying and ascertaining the lawful possession of the premises by the 3rd respondent.

For Petitioner : M/sV.B.R.Menon
For Respondents : Mr.S.Balamurugan for R2
Government Advocate
M/s.V.Sudha, for R1
Central Government Counsel
Mr.Mohammed Fayaz Ali for R3

ORDER

The writ petition is filed seeking a direction to 1st respondent to cancel the Final Explosive Licence dated 19.11.2024 and also direction to 2nd respondent to cancel No Objection Certificate dated 12.02.1964 issued in favour of 3rd respondent to operate the Petroleum Retail Outlet in Ward-A, Block-14, T.S.Nos.28&29, Old Survey No.49/A, Erode-Sathy Road, Gobichettipalayam Taluk, Gobichettipalayam, Erode District-638452.



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2. It is the case of the petitioner that he is a co-owner of the above mentioned property and the 4th respondent is occupying the above mentioned property without any legal right and the lease period is already over. The petitioner submitted a representation dated 30.11.2024 before the respondents 1 and 2 seeking cancellation of the final explosive licence as well as NOC mainly on the ground that 4th respondent herein is not in lawful possession of the subject property. The said representation has not been considered. Hence, the petitioner has come before this Court seeking above mentioned direction.

3. M/s.V.Sudha, learned Central Government Counsel takes notice for the 1st respondent, Mr.S.Balamurugan, learned Government Advocate takes notice for the 2nd respondent and Mr.Mohammed Fayaz Ali, learned counsel takes notice for the 3rd respondent.

4. Since no adverse order passed against the 4th respondent, notice to 4th respondent is dispensed with.



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5. It is the main case of the petitioner that retail outlet operated by 3rd respondent through the 4th respondent is without lawful lease agreement between the owner of the property and the occupants. Therefore, the respondents 3 and 4 are in unlawful occupation of the property. Hence, the NOC certificate and the final explosive license granted to the respondents 3 and 4 are liable to be cancelled.

5. The learned counsel for the respondents 1 and 2 submitted that representation submitted by the petitioner will be considered in accordance with law within a time fixed by this Court.

6. In view of the same, without going into the merits of the claim made by the petitioner, the respondents 1 and 2 are directed to consider the representation of the petitioner dated 30.11.2024 and pass final orders on its' own merits within a period of eight weeks from the date of receipt of copy of this order after issuing necessary notice to the petitioner and the respondents 3 and 4.



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8. With this direction, the Writ Petition stands disposed of. No costs.

Consequently, the connected writ miscellaneous petitions are closed.

29.01.2025

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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