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W.P.No.6292 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.6292 of 2024

P.Sathish

Son of Pandian, Door No.82 Manthakarai Veethi,
Tirukkivilur Town, Tirukkivilur Taluk, Kallakurichi District.

.. **Petitioner**

Vs.

1. The Joint Secretary

The Minister Of Petroleum And Natural Gas, Shastri Bhawan, New Delhi.

2.The Indian Oil Corporation Limited

Marketing Division Head Office, Indian Oil Bhavan, G-9 Ali Yavar Jung Marg,
Bandra (east), Mumbai 400051.

3.The District Collector

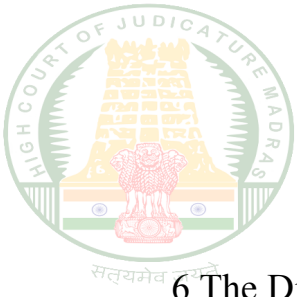
Office Of The District Collectorate, Kallakurichi District.

4.The General Manager (retail)

Indian Oil Corporation Ltd(marketing Division), Indian Oil Bhavan,
139 Nungambakkam High Road, Chennai 600034.

5.The Director (dgp)

Tamilnadu Fire And Rescue Services No.17, Rukmani Lakshmipathi Road,
Egmore, Chennai 600008.



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6.The District Fire Officer

Villupuram District Fire And Rescue Services, Villupuram District.

7.The District Revenue Officer (dro)

District Revenue Office, Kallakurichi District.

8.The Revenue Divisional Officer

District Revenue Divisional Office, Kallakurichi District.

9.The Tahsildar

Tirukovilur Taluk, Kallakurichi District.

10.A.Siva

Son Of Annamalai, Door No.140 Tiyyagi Vadivel Nagar, (near Saradha Vidhyashram School), Tirukkovilur Taluk And Town, Kallakurichi District 605757

11.The Joint Chief Control Of Explosives,

Petroleum And Explosives Safety Organization, A And D Wing, Block I-8, 2nd Floor, Sastri Bhavan, No.26, Haddows Road, Nungambakkam, Chennai.600 006.

(R11-suo Motu Impleaded As Per Order Dated 11.03.2024 In Wp.6292/2024 By Asmj)

.. **Respondents**

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents 3, 6 and 7 to consider the petitioner representation dated 16.10.2023 and pass such other or further order.

For the Petitioner

: Mr.R.Dinesh Kumar

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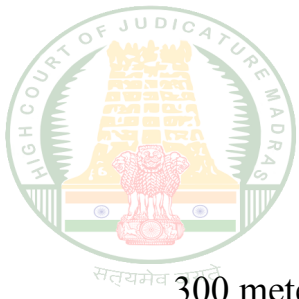
For the Respondents

: Mr.R.P.Pragadish
CGSC for RR1 & 11
Mr.M.Vijayamehnath
for RR2 & 4
Mr.V.Manokaran
Additional Government Pleader
for RR3, 5 to 9
Ms.S.Yogalakshmi for R10

ORDER

This Writ Petition is filed for a Mandamus directing the respondents 3, 6 and 7 to consider the petitioner's representation dated 16.10.2023 and pass such further or other orders.

2. The grievance of the petitioner is that he is running a retail outlet. The 10th respondent who was hitherto running a Nayara Retail Outlet has now closed down the business and is going to start a new business under the Indial Oil Corporation Limited. For the said purpose, No Objection Certificate was sought for from various respondents, viz., the District Collector, Director, Fire and Rescue Services etc.,. The petitioner made his representation on 16.10.2023, objecting to the grant of the same, since the petitioner's retail outlet is within



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300 meters of the premises that belongs to the 10th respondent, for which NOC is now sought.

3. The learned counsel appearing on behalf of the respondents 2 and 4 - Indian Oil Corporation would submit that it is the retail outlet of the 10th respondent which was in existence prior to that of the petitioner from the year 2016. Only now the agency is changed from Nayara to Indian Oil Corporation. The learned counsel would rely upon the Judgment of this Court *Nataraja Agencies, rep.by its Proprietor, G.Natarajan Vs. The Secretary, Ministry of Petroleum and Natural Gas, Government of India*¹. He would submit that a rival outlet owner cannot object to the other retail outlets, on the ground of reduction in his business. He has got no locus standi to do so.

4. The learned counsel appearing on behalf of the 10th respondent would also submit that it is the 10th respondent who is carrying on the business from the year 2016 and the petitioner came into existence only in the year 2018. There is no other impediment for that of the No Objection Certificate.

¹ 2005 (1) CTC 394



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5. I have considered the rival submissions made by the learned counsel for the petitioner as well as the grounds raised by the Writ Petitioner in the Writ Petition.

6. It is for the official respondents to decide the matter in accordance with law, when an application for NOC is made. It is needless to mention that the contention of the parties are left open to be raised before the authorities. When the application is made, the application need not be kept pending by the authorities. Therefore, the authority shall decide the application for issuing the NOC strictly in accordance with the rules. In due course, the petitioner's representation can also be taken into account and in that regard, the objections made by the Indian Oil Corporation as well as the 10th respondent shall also be taken into account. In any event, the authority shall proceed to decide the application for NOC within a period of four weeks from the date of receipt / production of the website uploaded copy of this order, without waiting for the certified copy.



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7. With the above directions, this Writ Petition stands disposed of. No costs.

17.02.2025

Neutral Citation : No

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To

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D.BHARATHA CHAKRAVARTHY, J.

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