



W.P.No.31572 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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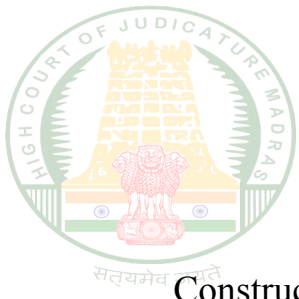
M.Murugan

.. **Petitioner**

Vs.

- 1.The Retail Manager (Marketing)
Rep.by Bharat Petroleum Corporation Limited
Territory Office, Authur & Kadapparai Village
Erode Road Authur (Post)
Karur – 639 008.
- 2.The District Collector
Collectorate Buildings
Fort Main Road
Salem – 636 001.
- 3.The District Revenue Officer
Collectorate Buildings, Periyakollapatti
Salem – 636 007.
- 4.The Revenue Divisional Officer
Revenue Divisional Office
Subramania Nagar
Suramangalam, Salem – 636 005.
- 5.The Tahsildar
Tahsildar Office
Vazhapadi, Salem – 636 115.
- 6.The Divisional Engineer

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Construction and Maintenance
Highways Department
Salem – 4.

.. **Respondents**

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for records of the 4th respondent made in Proceedings in Na.Ka.No.19/2023/A2 dated 06.07.2023 and the consequential order passed by the 6th respondent made in proceedings in Na.Ka.No.2532/2023/E.VA A2 dated 04.07.2023 and quash the same and consequently direct the 2nd respondent to grant No Objection Certificate for establishing the petroleum retail outlet S.F.No.111/3A at Neermullikuttai Village, Vazhapadi Taluk, Salem District, within a stipulated time, as may be fixed by this Court.

For the Petitioner : Mr.N.Umapathi

For the Respondents : Mr.O.S.Karthikeyan for R1
Dr.S.Suriya
Additional Government Pleader
for RR2 to 6

ORDER

This Writ Petition is filed challenging the impugned order dated 06.07.2023 and the proceedings of the 6th respondent dated 04.07.2023 and



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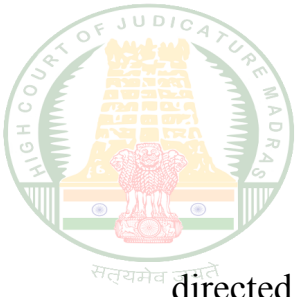
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quash the same and consequently direct the respondents to grant No Objection Certificate for establishing the petroleum retail outlet in S.F.No.111/3A at Neermullikuttai Village, Vazhapadi Taluk, Salem District.

2. The case of the petitioner is that the petitioner was selected by the 1st respondent with reference to the retail outlet of petroleum products and when the petitioner had applied for No Objection Certificate and licence, the same was rejected vide the impugned orders and hence the petitioner is before this Court.

3. The Writ Petition is resisted by the respondents by filing a counter affidavit and also a status report.

4. This Court heard the arguments of *Mr. Umapathy*, the learned counsel appearing on behalf of the petitioner, in detail. The learned counsel took this Court through various reasons mentioned in the impugned order and contended that the majority of the reasons cited in the order are neither mandatory criteria nor factually correct. After going through the various reasons, this Court



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directed the respondents to inspect the site and file a report in respect thereof.

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5. Upon perusal of the report, it is now clear that there is a stream which is adjacent to the site. The distance is mentioned as zero meters. The petitioner's site is abutting the water body, the same comes within the prohibited siting criteria, that is prescribed by the Central Pollution Control Board. Therefore, in any event, ultimately the petitioner cannot succeed in establishing the retail outlet in the instant site.

6. In view thereof, it is not necessary to go into the detailed arguments that are made by both *Mr.Umapathy*, the learned counsel for the petitioner as well as *Ms.Suriya*, the learned Additional Government Pleader, who would also rely upon the Division Bench Judgment of this Court in ***M.Liakath Ali Vs The State of Tamil Nadu and Others*** in W.A. (MD) No. 8417 of 2021.

7. When there is a water body very adjacent to the site, the same comes within the prohibited distance and therefore, this Court is unable to come to the



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rescue of the petitioner and accordingly finding no merits, this Writ Petition stands dismissed. However, dismissal of the present Writ Petition will not come in the way of the petitioner approaching the authorities by identifying and proposing any other alternative land and the authorities will be entitled to consider the same as per their rules. No costs.

20.03.2025

Neutral Citation : No

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To

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