



W.A.(MD) No.230 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.02.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

W.A.(MD)No.230 of 2025

and

C.M.P.(MD)No.1618 of 2025

Muthuvel

... Petitioner

-Vs-

1. The District Revenue Officer And Additional District Magistrate,  
Theni District, Theni.
2. The Revenue Divisional Officer,  
Periyakulam,  
Theni District.
3. The Divisional Retail Sales Head,  
Madurai Divisional Officer,  
Indian Oil Corporation,  
No.2, Race Course Road,  
Chokkikulam,  
Madurai District.

4. J.Pandian

... Respondents



W.A.(MD) No.230 of 2025

**PRAYER:** Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 19.11.2024 in WP(MD)No.27596 of 2024 on the file of this Court and allow the writ appeal.

For Appellant : Ms.H.Jasima Yasmin  
for M/s.Ajmal Associates  
For Respondents : Mr.M.Sarangan (R1 & R2)  
Addl. Govt. Pleader  
Mr.M.Mohaboob Athiff (R3)  
Mr.N.Dilipkumar (R4)

### **JUDGMENT**

**DR.G.JAYACHANDRAN, J.**  
**AND**  
**R.POORNIMA, J.**

This intra Court appeal is filed against the order of the learned Single Judge of this Court dismissing the writ petition challenging the order of the second respondent dated 24.07.2024 granting no objection certificate to the fourth respondent for putting up petroleum outlet in S.No.189/1A1A situated at Allinagaram Village, Theni Taluk, Theni District.



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

3. Heard the learned counsel on either side.

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4. The sum and substance of the appellant's grievance is that the appellant and the fourth respondent purchased the property from a common vendor and the common pathway earmarked for the usage of both the appellant and the fourth respondent has now been encroached by the fourth respondent and no objection certificate is granted to the fourth respondent for putting up petroleum outlet by including the encroached portion.

5. It is brought to the notice of this Court that the objection of the appellant to the first respondent was subsequent to the grant of no objection certificate and further, there is a civil dispute pending between the appellant and the fourth respondent in respect of the very same disputed property. The learned Single Judge, taking note of the said fact, had dismissed the writ petition as devoid of merits.



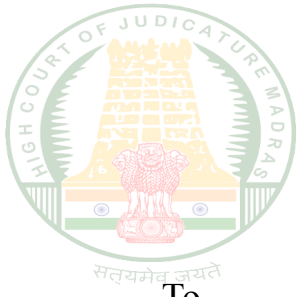
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6. This Court concurs with the view of the learned Single Judge and the

grounds of appeal are unsustainable, in the light of the fact that the right over the disputed land is subjudiced and until and unless the appellant succeeds in the suit, his objection for issuance of no objection certificate cannot be reconsidered. Hence, this writ appeal is dismissed with liberty to the appellant to approach the official respondents, incase he succeeds in the suit regarding his claim over the disputed portion of the land. The observations made by the High Court while disposing the writ petition initiated under Article 226 of the Constitution of India and the writ appeal under Clause 15 of the Letters Patent, shall not influence the trial Court while deciding the pending civil suit. No costs. Consequently, connected miscellaneous petition is closed.

**[G.J., J.] & [R.P., J.]**  
**04.02.2025**

NCC : Yes / No  
Index : Yes / No  
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To

1. The District Revenue Officer And Additional District Magistrate,  
Theni District, Theni.
2. The Revenue Divisional Officer,  
Periyakulam,  
Theni District.



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**DR.G.JAYACHANDRAN, J.**

**AND**

**R.POORNIMA, J.**

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Order made in  
**W.A.(MD)No.230 of 2025**

Dated:  
**04.02.2025**