



W.P.(MD) No.11190 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD) No.11190 of 2025

Muthu Durairaj

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Petitioner

Vs

- 1 The District Collector,
District Collector Office,
Pudukkottai District.
- 2 The District Revenue Officer,
District Revenue Officer, Pudukkottai District.
- 3 The Divisional Engineer,
Highways Construction and Maintenance,
Highways Construction and Maintenance Office,
Pudukkottai.
- 4 The Territory Manager,
Indian Oil Corporation Limited,
Divisional Office,
3rd Shesathri Road, Thillai Nagar,
Tiruchirappalli District.
- 5 The Deputy General Manager,
Indian Oil Corporation Limited, Thiriveni,
3rd Floor, B35 Sasthri Road, Thillai Nagar,
Trichy.



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WEB COPY 6 K. Rajarathinam

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Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondents to revoke the NOC granted by the 2nd respondent for violation of the conditions imposed therein and the directions of this Honble Court in WP(MD).No.11089 of 2021, dated 21.09.2021, and in Cont.(MD).No.2182 of 2024, dated 17.12.2024, after due enquiry and inspection in the petrol bunk outlet, situated at S.No.62/2A4, Ettivathali Village, Aranthangi Taluk, Pudukkottai District, by considering the petitioner's representation, dated 17.03.2025.

For Petitioner : Mr.V.R.Shanmuganathan,
Senior Counsel,
for Mrs.B.Rukmani.

For Respondents 1 to 3 : Mr.M.Ajmal Khan,
Addl. Advocate General,
assisted by Mr.S.Shaji Bino,
Spl. Govt. Pleader.

For Respondents 4 & 5 : Mr.Mahaboob Athiff

For Respondent 6 : Mr.T.Lenin Kumar



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ORDER

The petitioner seeks for the following relief :

"Writ of mandamus, directing the respondents to revoke the NOC granted by the 2nd respondent for violation of the conditions imposed therein and the directions of this Honble Court in WP(MD).No.11089 of 2021, dated 21.09.2021, and in Cont.(MD).No.2182 of 2024, dated 17.12.2024, after due enquiry and inspection in the petrol bunk outlet, situated at S.No.62/2A4, Ettivathali Village, Aranthangi Taluk, Pudukkottai District, by considering the petitioner's representation, dated 17.03.2025."

2. I have heard Mr.V.R.Shanmuganathan, for Mrs.B.Rukmani, for the petitioner; Mr.M.Ajmal Khan, learned Additional Advocate General, for Mr.S.Shaji Bino, learned Special Government Pleader, for respondents 1 to 3; Mr.Mahaboob Athiff for respondents 4 and 5; and Mr.T.Lenin Kumar, for respondent 6.

3. This is the second round of litigation, challenging the "No Objection Certificate", granted to the sixth respondent. Earlier, a writ petition was filed in W.P.(MD) No.11089 of 2021. In that writ petition, this Court held



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that quashing of 'No Objection Certificate' does not arise. However, it took note of the fact that the sixth respondent has to construct a channel as per the No Objection Certificate. A direction was given to do the needful and ensure free flow of water in the channel. Since the same was not complied with, a contempt petition came to be filed before this Court in Cont.P.(MD) No.2182 of 2024, wherein, the District Collector was directed to survey the channel and ensure free flow of water. In addition, an Advocate Commissioner was appointed to submit a report.

4. The present Writ Petition challenges the No Objection Certificate all over again.

5. When this Court has taken a view that No Objection Certificate need not be interfered with, judicial discipline requires that I follow that verdict and reject the prayer, that has been made before me. No doubt, this Court can always take a different view, when change in circumstance is brought to its notice, but, there being none in the present case, I am not inclined to consider the request for cancellation of No Objection Certificate.



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WEB COPY 6. Mr.V.R.Shanmuganathan points out that when No Objection Certificate was granted to the writ petitioner, who was an ex-serviceman, certain conditions had been imposed by second and third respondents. For ready reference, they are extracted hereunder :

11. பார்வை எண் (4) ல் காணும் உதவிக் கோட்டப் பொறியாளர் (நெ) க(ம)ப அறந்தாங்கி அவர்களின் கடிதத்தின்படி, பட்டுக்கோட்டை - பேராவூரணி - அறந்தாங்கி சாலையில் (மா.மு. ஊ- 653) மனுதாரர் பெட்ரோல் பங்கு அமைக்க தேர்வு செய்துள்ள இடத்திலிருந்து 225.00 மீ. தூரத்தில் மருதங்குடி - வல்லம்பத்தூடு ஊராட்சி ஒன்றிய சாலை அமைந்துள்ளதால், இச்சாலைக்கு தனியாக அணுகுச் சாலையை மனுதாரர் தங்களது சொந்த செலவில் அமைத்துக்கொள்ள வேண்டும் என்ற நிபந்தனையின் அடிப்படையிலும்; அவ்விடத்தில் பெட்ரோல் பங்கு அமைப்பதினால் வாகன போக்குவரத்துக்கோ அல்லது பொதுமக்களுக்கோ எவ்வித பாதிப்பும் ஏற்படாது என்ற பரிந்துரையின் பேரிலும்; மேற்கண்ட இடத்தில் பெட்ரோல் பங்கு அமைப்பதினால் பிற்காலத்தில் இடையூறு ஏதேனும் ஏற்படும் பட்சத்தில் நெடுஞ்சாலைத் துறையே மேற்கொள்ளும் நடவடிக்கைகளுக்கு நிபந்தனையின்றி உட்படுகிறேன் என மனுதாரர் அளித்த உறுதிமொழியின் அடிப்படையிலும் பெட்ரோல் பங்கு அமைப்பதற்கு தற்காலிகமாக தடையின்மைச்சான்று வழங்கப்படுகிறது.

3. பட்டுக்கோட்டை, நெடுஞ்சாலைத் துறையினரின் தடையின்மைச் சான்றில் குறிப்பிடப்பட்டுள்ள நிபந்தனைகளைப் பின்பற்றப்பட வேண்டும்.

7. The learned Additional Advocate General pointed out that if any conditions are imposed by second and third respondents, then, it is the duty of sixth respondent to comply with the same.



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WEB COPY 8. Mr.Lenin Kumar states that the condition to construct an approach road to a distance of 225 metres will be complied with, if sufficient time is granted.

9. The sixth respondent shall construct an approach road, as directed by second and third respondents, within a period of eight weeks from the date of uploading of this order on to the website of this Court.

10. Writ Petition is disposed of accordingly. No costs.

11. Call the matter for compliance on 01.07.2025.

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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