



W.P.(MD) No.23183 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.04.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.23183 of 2024

and

W.M.P.(MD)No.19642 of 2024

M.Ganesh

... Petitioner

-Vs-

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The District Revenue Officer,
Tirunelveli District, Tirunelveli.

3.The Divisional Engineer,
Highways (C & M),
State Highways Department,
Tirunelveli District.

4.The District Officer,
Fire and Safety Services,
Tirunelveli District.

5.Sajitha Mariyam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 4 from granting any

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permission to the 5th respondent to run petroleum outlet in land in S.No.349/1 situated in Pathamadai Village, Cheranmahadevi Taluk, Tirunelveli District as the same is situated nearby Esakkiamman Thirukovil, Maarudaipaarai Mahalingam Saastha Thirukovil & Lakshmi Ambal Thirukovil at Pathamadai Village, Tirunelveli District by considering the petitioner's representations dated 05.03.2024 and 31.07.2024.

For Petitioner : Mr.K.Jeyamohan
For R1 to R4 : Mr.P.Thilak Kumar,
Government Pleader
For R5 : Mr.N.Vignesh

ORDER

[Order of the Court was made by *S.SRIMATHY, J.*]

The petitioner has filed this Writ Petition to forbear the respondents 1 to 4 from granting any permission to the 5th respondent to run petroleum outlet in the land in S.No.349/1 situated in Pathamadai Village, Cheranmahadevi Taluk, Tirunelveli District, as the same is situated nearby Esakkiamman Thirukovil, Maarudaipaarai Mahalingam Saastha Thirukovil & Lakshmi Ambal Thirukovil at Pathamadai Village, Tirunelveli District by considering his representations dated 05.03.2024 and 31.07.2024.



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2.It is the contention of the learned Government Pleader appearing for the respondents 1 to 4 that based on various certificates issued by appropriate authorities, the 2nd respondent, vide proceedings dated 12.06.2024, granted permission for erecting petroleum outlet in the land in question, Therefore, there is no impediment for establishing the petroleum outlet in the land in question.

3.The petitioner's apprehension is that by establishing petroleum outlet, the celebration of the temple festival would be disturbed. Especially, whenever there is temple festival with fire crackers, the respondents would try to stop by citing safety purpose. Since the temple was constructed prior to the petroleum outlet, then the rights of the temple and its devotees including celebration with fire crackers ought to be protected.

4.Therefore, the 1st respondent / District Collector is directed to consider the petitioner's objection submitted through his representations dated 05.03.2024 and 31.07.2024. The 1st respondent shall specifically ascertain from the 4th respondent whether it is safe to run the petroleum outlet in the aforesaid stated situation. The 1st respondent shall issue notice to both the petitioner and the 5th respondent, conduct enquiry by giving personal hearing to both the parties and

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thereafter, pass orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] & [S.S.Y., J.]
02.04.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

1. The District Collector,
Tirunelveli District, Tirunelveli.
2. The District Revenue Officer,
Tirunelveli District, Tirunelveli.
3. The Divisional Engineer,
Highways (C & M),
State Highways Department,
Tirunelveli District.
4. The District Officer,
Fire and Safety Services,
Tirunelveli District.



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