



W.P.No.18328 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

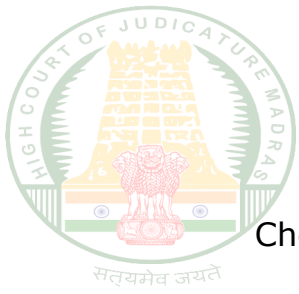
WP No.18328 of 2026
and WMP Nos.19679, 19680 and 19678 of 2026

R.Gopal
S/o.Ramalingam,
No.4, 2nd Cross, Tagore Nagar,
Lawspet, Puducherry-605 008.

Petitioner(s)

Vs

1. Hindustan Petroleum Corporation Ltd,
(HPCL), A Public Ltd. Company,
Through the General Manager (South),
No.8, No.1, Thalamuthu Natarajan Building,
4th Floor Gandhi Irwin Road, Egmore,
Chennai – 600 008.
2. The Deputy General Manager
(Trichy Retail Outlet)
Hindustan Petroleum Corporation Ltd,
Having Regional Office No.90, Second Floor,
MDSR Enclave, Bharathidasan Road-
Cantonment, Trichy-620 001.
3. The Joint Chief Controller of Explosives
Petroleum and Explosives Safety Organization,
2nd floor, Shastri Bhavan, Nungambakkam,



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Chennai – 600 006.

4. The Development Commissioner-cum-Secretary (Revenue)-cum-Appellate Authority under Section 154 (2) Petroleum Rules, 2002, Government of Puducherry, Chief Secretariat, Beach Road, Goubert Avenue, Puducherry-605 001.
5. The District Magistrate-cum-District Collector Office of the Government of District Magistrate-cum-District Collector, Government of Puducherry, I-Floor, New Collector Office, Vazhudavour Road, Pettaiyan Chathiram, Puducherry-605 009.
6. The Sub Divisional Magistrate (North) Office of the Deputy Collector (Revenue) North-cum-Sub Divisional Magistrate (North), Government of Puducherry, Puducherry.
7. The Member Secretary Pondicherry Pollution Control Committee, Housing Board Complex, Anna Nagar, Puducherry-600 005.
8. The Executive Engineer Office of the Executive Engineer, National Highway Division, PWD, Puducherry.
9. Ministry of Road Transport and Highways (MoRTH), Rep by Chief Engineer-Regional Officer, Regional Office, Chennai, C-1-A, Rajaji Bhavan, Besant Nagar, Chennai-600 090.
10. National Highway Authority of India (NHAI) Project Director, NHAI, PIU-Chengalpattu, No.41/8A, 2/285, Second Floor, Velacherry-Tambaram Main Road, Santhoshapuram, Medavakkam, Chennai-600 073.



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11. Geetha.G

W/o.Poovaraghavan
No.58, Rajendri Jeyaraman Illam,
Lawspet Main Road, Sellaperumalpet
Lawspet, Puducherry-605 008.

12. The Government of Puducherry

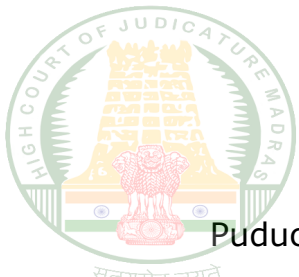
Rep by the Chief Secretary to Government,
Chief Secretariat, Beach Road, Goubert Avenue,
Puducherry-605 001.

13. The Secretary to Government (PWD)

Irrigation Department, PWD,
Government of Puducherry, Chief Secretariat,
Beach Road, Goubert Avenue,
Puducherry-605 001.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records relating to impugned order dated 19.03.2026 passed by the 4th Respondent in Appeal No.1/2025 and consequential impugned No-Objection Certificate (NOC) vide No.1377/DM/RO/TAH/D3/2024, dated 15.04.2026 issued by the 5th Respondent in favour of M/s.HPCL, Trichy for setting up/establishing new MS/HSD Petroleum/Diesel Retail Outlet Dealership at Survey No.140/2B2, Karuvadikuppam Revenue Village, Oulgaret Taluk, Puducherry and Survey No.223/1A/10, Saram Revenue Village, Puducherry and quash the same consequential direction to the respondents from setting up/establishing new MS/HSD Petroleum/Diesel Retail Outlet Dealership at Survey No.140/2B2, Karuvadikuppam Revenue Village, Oulgaret Taluk



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Puducherry and Survey No.223/1A/1A/10, Saram Revenue Village,
Oulgaret Taluk, Puducherry.

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For Petitioner(s): Mr. M.Kannan

For Respondent(s): Mr.Mohammed Fayaz Ali
for R1 and R2.

Ms.P.J.Anitha
Senior Panel Counsel Central Govt
for R3 and R9.

Mr.V.Vasanthakumar
Addl Govt Pleader (Puducherry)
for R4 to R8 and R12.

Mr.D.Ravichander for R11.

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The present writ petition, styled as a public interest litigation (PIL) under Article 226 of the Constitution of India, seeks the issuance of a writ of certiorarified mandamus calling for the records relating to the order dated 19.03.2026 passed by the fourth respondent (Appellate Authority) in Appeal No.1/2025, and the consequential No-Objection Certificate (NOC) bearing No.1377/DM/RO/TAH/D3/ 2024, dated 15.04.2026 issued by the



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fifth respondent (District Magistrate) in favour of Hindustan Petroleum Corporation Limited (HPCL) for establishing a Motor Spirit/High-Speed Diesel (MS/HSD) Retail Outlet at Survey No.140/2B2, Karuvadikuppam Revenue Village, Oulgaret Taluk, and Survey No.223/1A/1A/10, Saram Revenue Village, Puducherry, and to quash the same.

2.1. The factual background reveals that the first respondent Corporation (HPCL) preferred an application dated 23.01.2024 for an NOC under Rule 144 of the Petroleum Rules, 2002. Following an initial joint field inspection on 26.02.2024, the Sub-Divisional Magistrate (North) recommended the grant of the NOC. However, the District Magistrate, Puducherry, vide an order dated 10.02.2025, rejected the application on multiple parameters, including proximity to residential units, presence of electrical transformers, and the alleged existence of a canal and pond within a 50-meter radius, invoking Central Pollution Control Board (CPCB) sitting guidelines.



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2.2. Aggrieved by the rejection, HPCL preferred a statutory appeal under Rule 154(2) of the Petroleum Rules, 2002. The fourth respondent (Appellate Authority), upon evaluating detailed ground verification reports from various line departments, including the Oulgaret Municipality, Town and Country Planning Department, Electricity Department, and Pondicherry Pollution Control Committee, allowed the appeal vide order dated 19.03.2026. The Appellate Authority directed the District Magistrate to issue the NOC with appropriate safeguarding conditions, which was subsequently executed on 15.04.2026. The petitioner has approached this court challenging these statutory actions.

3. Learned counsel for the petitioner has vehemently assailed the administrative approvals on the following assertions:

(i) The proposed fuel station is in direct violation of the CPCB directives dated 07.01.2020 and 16.08.2021, as it is located adjacent to a wastewater canal and within 50 meters of a protected water body identified as the "Vannan Madu" pond. He drew our attention to G.O.Rt.No.94 dated 12.03.2026, wherein



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funds were sanctioned for desilting and dredging this channel, as absolute proof of its active watercourse character.

(ii) The site features an inadequate plot frontage of 27.4 meters against the mandated 30.0 meters prescribed under the Puducherry Building Bye-Laws. Furthermore, it rests within 17.2 meters of two prominent residential structures ("GV Palace" and "MM Palace"), disregarding the minimum 30-meter radial threshold.

(iii) There exist active electricity transformers situated within 4 meters and 3.4 meters of the site, which the Electricity Department had previously red-flagged as hazardous under unforeseen situations.

(iv) The site fronts National Highway (NH)-332-A (ECR Road), but no clearance or structural concurrence has been obtained from the Ministry of Road Transport and Highways (MoRTH) or the National Highways Authority of India (NHAI).



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4. Learned counsel for the respondents, in one voice, submitted that the challenge to the very same impugned order was repelled by this court in *G.Alagar v. The Development Commissioner-cum-Secretary (Revenue) and others*¹ with costs of Rs.1,00,000/- and, therefore, the present writ petition be also dismissed with costs.

5. Before advertng to the substantive technical points raised by the petitioner, this court is bound to take judicial notice of a preliminary defect plaguing the maintainability of this writ petition. It has been brought to our attention, and confirmed upon a verified perusal of the record, that an identical challenge was mounted before this Court in *G.Alagar* case (supra). The said petition challenged the same appellate order dated 19.03.2026 and the No-Objection Certificate dated 15.04.2026 concerning the identical site at Survey No.140/2B2, Karuvadikuppam Village, and Survey No.223/1A/1A/10, Saram Village, Puducherry.

¹ 2026:MHC:1983

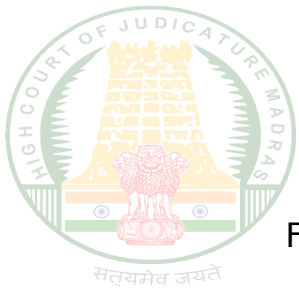


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6. By an exhaustive order passed in *G.Alagar* case (supra), this Court dismissed the writ petition on both maintainability and technical merits, imposing exemplary costs. The reasoning adopted in that judgment applies on all fours to the present petition.

7. The technical arguments raised by the petitioner regarding water bodies, sitting distances, and electrical hazards have already been conclusively evaluated and answered by this Court in *G.Alagar* case (supra), as follows:

(A) Regarding the Status of the Canal and "Vannan Madu" Pond: This Court has already established that the channel running on the eastern boundary is an urban wastewater drainage channel designed to manage seasonal surface runoff and prevent local flooding, rather than a natural perennial water body. Routine municipal maintenance, such as dredging and desilting funded via G.O.Rt.No.94 of 2026, does not transform a municipal storm-water drain into a natural lake or river capable of invoking the strict 50-meter environmental protection buffer.



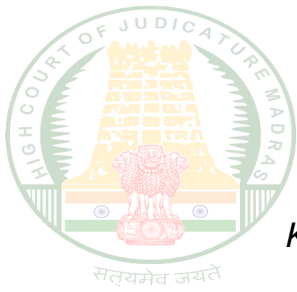
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Furthermore, physical ground inspection reports from the Local Administration Department dated 11.12.2025 conclusively showed that the "Vannan Madu" pond is physically non-existent on the site. The land was legally mutated and transferred to the Ministry of Defence as early as 2011, and currently houses an active PWD Pump House and an ECHS Polyclinic. As settled by the Supreme Court of India in *State of Rajasthan v. UltraTech Cement Ltd*², when a water body survives merely as an archaic entry in outdated revenue records, but has been entirely overtaken by public infrastructure on the ground, it cannot be treated as a live water body to impose restrictive zoning boundaries.

(B) Regarding Residential Proximity and Zoning Laws: The property falls squarely within a designated "Mixed Commercial Zone" under the Comprehensive Development Plan-2036 for the Puducherry Region, which explicitly permits the operation of commercial fuel stations. Adopting the principles laid down by the Kerala High Court in *Kalesh*

² (2022) 19 SCC 102



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Kumar K.K. v. State of Kerala, [W.P.(C) No.11578 of 2022],

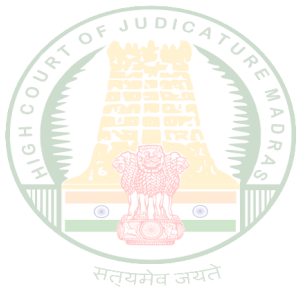
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the restriction in the CPCB guidelines applies to broader geographical areas legally designated as "residential zones" under town planning laws, and cannot be stretched to restrict development based on isolated private residential apartments erected near a commercial arterial road.

(C) Regarding Clearance of Electrical Transformers: The technical authority on the subject, viz., the Executive Engineer of the Electricity Department, inspected the site layout and certified that the actual physical clearance between the fuel retail facilities and the existing transformers exceeds 21 feet. This distance is certified as technically safe and compliant with standard engineering norms.

8. This Court shall not substitute its own view for the clear technical clearances issued by specialized statutory authorities, as has been held by the Supreme Court in *Ajay Singh v. Khacheru*³.

³ (2025) 3 SCC 266



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9. The present writ petition is nothing but an absolute abuse of the judicial process. The petitioner, a retired government servant, has come forward under the guise of a "social activist" to re-litigate issues that have already been adjudicated and settled by this Court. It is a matter of record that an earlier writ petition involving the exact same site and identical environmental objection was filed by the petitioner, being W.P.No.6147 of 2026, and the same was dismissed with costs of Rs.1,00,000/-. The public interest jurisdiction of this court under Article 226 of the Constitution of India cannot be turned into a tool for continuous litigation by busybodies looking to disrupt infrastructure projects that have cleared rigorous multi-departmental evaluations.

10. In our judgment in *G.Alagar* case (supra), we explicitly noted the existence of the present petition and observed that such serial filings put an unnecessary and heavy burden on limited judicial time. Despite our clear findings on the complete validity of the appellate order and the NOC, the petitioner has chosen to persist with this identical litigation. This calls for a firm response



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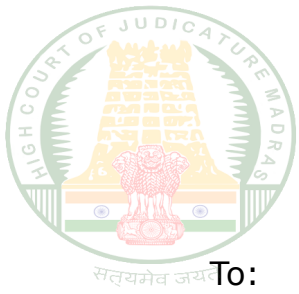
and the imposition of exemplary costs to protect the integrity of public interest litigations.

For the reasons detailed above and in line with the detailed findings recorded by this Court in the identical challenge in *G.Alagar* case (supra), the present writ petition is dismissed. Considering the vexatious nature of this litigation, the petitioner is directed to pay costs of Rs.1,00,000/- (Rupees One Lakh Only) to the Tamil Nadu State Legal Services Authority within a period of four weeks from today. As a sequel, connected interim applications stand closed.

List the matter on 13.7.2026 for reporting compliance of the aforesaid direction pertaining to payment of costs.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
15.06.2026

Index : Yes/No
Neutral Citation : Yes/No
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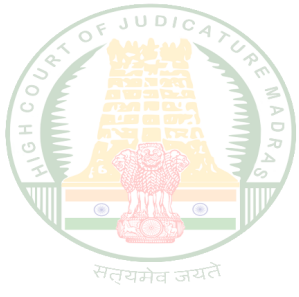
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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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