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WP No. 30267 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 30267 of 2026

and WMP.Nos.33224 & 33225 of 2026

Jayanthi.P
Old No.17, New No.56,
Mahatma Gandhi Nagar,
Vengampakkam,
Chengalpattu District- 600 048.

..Petitioner(s)

Vs

1. The District Collector
Chengalpattu District,
Chengalpattu.
2. The District Revenue officer
Anna Salai, VOC Nagar, Chengalpattu,
Ammanambakkam, Tamil Nadu- 603 001.
3. Indian Oil Corporation Limited
4th Level, Indian Oil Bhavan,
139, Mahatma Gandhi Road,
Chennai, Tamil Nadu-600 034.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd Respondent in Na.Ka.No.4574/ 2024/ M3 dated 02.05.2025 and quash the same as illegal, arbitrary and without jurisdiction and consequently, direct the 2nd respondent to issue No Objection Certificate in favour of the petitioner.

For Petitioner(s):

Mr.U.Baranidharan



For Respondent(s):

Mr.P.Elayaraj Kumar
Government Advocate For R1 And R2

Mr.V.Anantha Natarajan
Standing Counsel for R3

ORDER

The present writ petition is filed challenging the impugned proceeding dated 02.05.2025, whereby petitioner's request for a “no objection certificate” for the purpose of setting up a petroleum retail outlet for establishing Kisan Seva Kendra (KSK) petroleum retail outlet in Survey No.64/4, measuring an extent of 1 acre 46 cents situated at Thattampattu Village, Chengalpattu District, has been rejected.

2. Learned counsel for petitioner would submit that petitioner is a lessee, and petitioner's mother is the owner of the subject property. Petitioner has taken on lease the subject property from her mother as could be seen from the lease agreement dated 10.05.2024 registered vide Document No.2046/24. He would submit that impugned order proceeds on the premise that in respect of the subject property, there is a suit pending in O.S.No.257 of 2023, this request for issuance of No Objection Certificate was refused.

3. Learned counsel for petitioner would submit that the above reasoning suffers from non application of mind inasmuch as, although the subject



properties were included in the Schedule of properties mentioned as Schedule 'C' in O.S.No. 257 of 2023, however, the prayer in the suit was confined only to Schedule 'A' and 'B', thus the subject property is not subject matter in the above suit. Secondly, he would submit that when a No Objection Certificate is sought for the purposes of establishing a petroleum retail outlet, the enquiry is confined to factors set out in G.O.Ms.No.25, Highways and Minor Ports (HN.2) Department, dated 24.02.2022. The relevant portion of which is extracted hereunder:

“In the letters read above, the Chief Engineer (Construction & Maintenance), Highways Department has furnished a proposal for Guidelines / Norms to issue NOC for setting up of road side Petroleum Retail Outlets alongside SH/MDR/ODR roads under Highways Department in Tamil Nadu and requested the Government to issue the guidelines / norms for issue of No Objection Certificate / access permission to fuel stations (Petrol/Diesel retail outlets, Gas retail outlets, Electrical Vehicle (EV) Charging stations and biofuel pumps with or without Rest Area Amenities etc.) alongsides of roads maintained by Tamil Nadu Highways Department.

2. The Government after careful examination of the proposal of the Chief Engineer (Construction & Maintenance), Highways Department issue the following guidelines/norms as criteria for issuing No Objection Certificate (NOC) / access permissions to fuel stations (Petrol/Diesel retail outlets, Gas retail outlets, Electrical

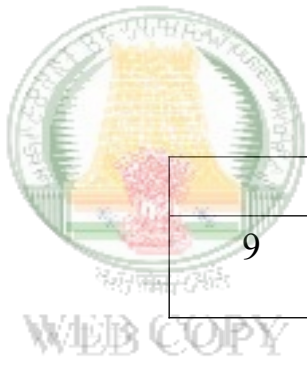


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Vehicle (EV) Charging stations and biofuel pumps with or without Rest Area Amenities etc.) alongside SHs / MDRs / ODRs maintained by Tamil Nadu Highways Department.

Sl.No.	DISTANCE NORMS	NORMS APPLICABLE (IN METERS)
NON-URBAN (Rural) STRETCHES: PLAIN AND ROLLING TERRAIN		
1	Intersection with SHs/MDRs/ODRs	300 (Shs) 200 (MDRs/ODRs)
NON-URBAN (Rural) STRETCHES: HILLY/MOUNTAINOUS TERRAIN		
2	Intersection with any category of road (irrespective of carriageway width)	100
URBAN STRETCHES: PLAIN AND ROLLING/HILLY/MOUNTAINOUS TERRAIN		
3	Intersection with any category of road (irrespective of carriageway width)	100
GENERAL CRITERIA		
4	Any barrier including that of Toll Plaza and Railway Level Crossing	500
5	Distance from the start of approach road of ROB	200
6	Start of approach road of Grade Separator/Flyover	300
7	Distance between two fuel stations	<u>Rural/Urban/Hilly</u> 300 (Shs) 200 (MDRs/ODRs) (Both undivided and divided c/w)
8	Acceleration/Declaration Lane	<u>Rural:</u> 100 (acceleration) 70 (deceleration) <u>Urban/Hilly:</u>



		Dispensed with
9	Size of Plot	35 x 35 (Rural) 20 x 20 (Urban/Hilly)

Except these modifications all other provisions of IRC: 12-2016 will remain applicable. The Highway Authority will be as defined in the Tamil Nadu Highways Act, 2001.”

4. He would submit that enquiring into the ownership is an enquiry alien while examining a request for a No Objection Certificate for the purposes of establishing a petroleum retail outlet. He would also place on record the judgment of the Hon’ble Supreme Court in the case of **C.Albert Morris vs. K.Chandrasekaran and Others**, reported in (2006) 1 SCC 228, wherein it was held as follows:

“44. We now come to the last contention of Mr L.N.Rao that the first respondent is not entitled to maintain the writ petition as the proceedings initiated by him before the Collector for cancellation of the no-objection certificate are pending. The said submission cannot be accepted. While granting NOC, the Collector is not concerned about the ownership of the land. He is concerned about the location of the land and its suitability as a place for storage of petroleum. Rule 144 which deals with the grant of NOC does not contemplate an enquiry into the ownership of the land nor does it require the Collector to enquire into the nature of the right claimed by the person who has applied for NOC.



We, therefore, uphold the judgment and final order passed by the Division Bench dated 7-10-2003 in Writ Appeals Nos.1149 and 2140 of 2002 for the reasons given by us in this judgment.”

(emphasis supplied)

5. Learned counsel appearing for respondents would submit that the impugned order which refers to the suit is made only on the basis of the pleadings contained in the suit and thus cannot be found fault with.

6. This Court finds merit in the submission of the learned counsel for petitioner, thus impugned order is set aside. The respondents are directed to reconsider petitioner's request for a No Objection Certificate in accordance with the relevant Acts and Rules, keeping in view G.O.Ms.25, dated 24.02.2022 and the judgment of the Supreme Court referred supra, within a period of three (3) weeks from the date of uploading of web copy without waiting for receipt of certified copy of the order.

7. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

06-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
ANU



To:

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WP No. 30267 of 2



MOHAMMED SHAFFIQ, J.

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