



W.A.No.577 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

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1. Kamaraj
S/o. Vishwanadhan,
No.C-31-C, Type-3, Cercle - 20,
Neyveli, Panruti Taluk,
Cuddalore District.

2. Vasugi
D/o. Kamalanadhan,
Orathur and Post,
Chidambaram Taluk,
Cuddalore District.

.. Appellants

Vs.

1. K.Sezhiyan
S/o. Kaliyamoorthy,
No.1/152, Main Road,
Orathur and Post,
Chidambaram Taluk,
Cuddalore District.

2. The State of Tamil Nadu
Rep. by its Principal Secretary,
Department of Highways and Minor Ports,
Fort St. George, Chennai.



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3. The District Collector
Office of the District Collector,
Cuddalore.
4. The District Revenue Officer
District Collector Office,
Cuddalore.
5. The Divisional Engineer
Highways & Construction & Maintenance,
Beach Road, Cuddalore.
6. The Executive Engineer
P.W.D Kollidam Basin Division,
Water Resource Department,
Railway Station Road,
Chidambaram, Cuddalore District.
7. The Territory Manager (Retail)
Bharat Petroleum Corporation Ltd,
1st Floor, Raj Towers,
Near Kalaighnar Arivalayam,
Karur Bypass Road,
Trichy - 620 002.

.. Respondents

Prayer :Appeal filed under Clause 15 of the Letters Patent seeking to set aside the order dated 06.07.2023 in W.P.No.34058 of 2022.

For Appellants : Mr.B.Jaihari

For Respondents : M/s.V.S.Jothilakshmi
For Mr.R.Sankarasubbu for R1
Mr.L.Gokulraj
Addl. Govt. Pleader for R2 to R6
Mr.M.Vijayan
For M/s.King & Patridge for R7



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JUDGMENT

(Judgment of the Court was delivered by
the Hon'ble Chief Justice)

This writ appeal has been filed challenging the order dated 06.07.2023 passed in W.P.No.34058 of 2022 allowing the said writ petition.

2. Appellants herein are respondents 7 and 8 in the writ petition, which was filed by first respondent herein challenging the NOC dated 03.06.2022 issued by the Additional Collector (Revenue), Cuddalore District, to appellants herein, for establishing petrol bunk. First respondent was inducted as a cultivating tenant in S.No.74/2B of an extent of 8 ares of Orathur Village, within the Sub Registration District of Chidambaram in Cuddalore District and he started cultivating. Meanwhile, the owner of the land sold the said property to appellants herein by way of registered sale deed dated 08.08.2013. Therefore, first respondent filed O.S.No.117 of 2016 seeking permanent injunction restraining third respondent therein from issuing NOC to appellants for establishing petrol bunk in the



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said property. First respondent challenged the NOC on the ground that the retail outlet is situated within 50 meters from the nearest point of surface of waterbody, which is against the policy.

3. The learned Single Judge, relying on the report of the District Revenue Officer, which stated that the distance between petrol storage tank and the river bank is 37.4 meters, allowed the writ petition setting aside the NOC. Hence, the above writ appeal.

4. This Court, on 25.06.2026, passed the following order:

“Learned Single Judge has allowed the writ petition taking into consideration the report of the District Revenue Officer, Cuddalore, which states that the distance between the river bund and the storage tank is 37.4 metres and therefore, No Objection Certificate granted by the competent authority is infirm and not in consonance with the guidelines issued by the Central Pollution Control Board dated 01.07.2020.

2. As per the guidelines, no retail outlet shall be located within a distance of 50 metres from the nearest point of water bodies.

3. Learned counsel for the appellants as well as the Oil Corporation submitted that the site inspection was done



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behind their back and the authorities, who conducted the inspection did not follow the guidelines and therefore, there is a mistake in measuring the actual distance. According to the Oil Corporation, it is 137 metres and therefore, the No Objection Certificate granted to the appellants is correct.

4. To resolve the controversy, we direct the District Revenue Officer, Cuddalore to conduct a fresh inspection with regard to the distance in accordance with the guidelines issued by the Central Pollution Control Board dated 01.07.2020 in the presence of the appellants as well as all the 1st respondent and the 7th respondent. We direct the appellants, the first respondent and the 7th respondent to remain present at the site on 10.07.2026 at 11.00 am positively. The officials of the District Revenue Officer, Cuddalore shall conduct the inspection to measure the distance in the presence of all the parties concerned and file a Report before this court on or before 20.07.2026.

List the case on 23.07.2026 for further hearing.”

5. On the basis of the aforesaid order, a survey inspection was conducted on 10.07.2026 under the supervision of the District Revenue Officer, Cuddalore in the presence of appellants and respondents 1 and 7, along with Assistant Director of Survey,



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Cuddalore, Chidambaram and the entire team of revenue officers.

According to the survey report, the distance between the location of the petrol storage tank and the bank of the river has been found to be 37.4 meters. Thus, it is clearly established that the petrol bunk is situated within 50 meters, i.e. 37.4 meters. Therefore, we do not find any error in the order passed by the learned Single Judge.

6. The writ appeal, being bereft of merits and substance, is dismissed. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
13.08.2026

Index : Yes/No
Neutral Citation : Yes/No

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To
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