



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.04.2022**

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.3238 of 2022

and

W.M.P.[MD]Nos.2835, 2837 & 2838 of 2022

S.Arangulavan

... Petitioner

/Vs/

1. The Divisional Manager (Highway),
Construction & Maintenance,
State Highways Department,
Pudukottai-2.
2. The Assistant Divisional Engineer,
Construction & Maintenance,
State Highways Department,
Alangudi,
Pudukottai District.
3. The Chief Divisional Retail Sales Manager,
Marketing Division,
Indian Oil Corporation Limited,
Trichy Divisional Office,
B.35, Sasthri Road,
Thillai Nagar, Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.676/2020/E.Va.A-2 dated 06.07.2020 passed by the 1st Respondent herein and quash the same as illegal and consequently direct the 1st respondent herein to provide necessary No Objection Certificate for setting up of Petrol Retail Outlet in the petitioner's land comprised in S.F.Nos.406/10 and 406/9A, at Vadagadu Village, Alangudi Taluk, Pudukottai District.

For Petitioner	: Ms.A.Banumathy
For R1 & R2	: Mr.B.Saravanan Additional Government Pleader
For R3	: Mr.K.Muraleedharan Standing Counsel



ORDER

This writ petition has been filed challenging the order dated 06.07.2020 passed by the first respondent rejecting the petitioner's application seeking for No Objection Certificate from the first respondent for setting up a Petrol Pump Station at Alangudi Taluk, Pudukottai District in the stretch of State Highways No.71 on the ground that the proposed site is located in Musiri - Kulithalai - Pudukottai - Alangudi - Peravoorani - Sedhupavasathiram Road (SH-71).

2. According to the first respondent, the site is located on the right side of 127/10 of the Highways and the proposed site is situated in an access road within ten kilometers from the State Highways. Hence, the petrol pump station cannot be set up there, as it violates Indian Road Congress guidelines, 2009, which stipulate that no petrol pump station shall be permitted, within 300 metres from any access roads.

3. As seen from the impugned order, only on the ground that the petitioner has violated the Indian Road Congress guidelines, 2009, the first respondent has rejected the petitioner's application seeking for issuance of No Objection Certificate. It is a settled law that the Indian Road Congress guidelines, 2009, are not mandatory and it is only directory.

4. I had an occasion to consider this issue and after following various decisions came to the conclusion that the Indian Road Congress guidelines, 2009, are only directory and not mandatory, in the case of **P.G.M.Petrol Bunk vs. the Joint Chief Controller of Explosives and others** in WP.No.35885 of 2019 dated 11.03.2021. In the case on hand, the petitioner has obtained No Objection Certificate from other authorities to put up a retail petrol pump station at the site stated supra.

5. According to the petitioner, except the first respondent, who has rejected the petitioner's application seeking for issuance of No Objection Certificate, the other authorities, who are required to give No Objection Certificate have already given the same to the petitioner. It is also the contention of the petitioner that huge amount of money has already been invested for establishing the petrol pump station.

6. After giving due consideration to the aforementioned factors and also the fact that the Government has also not framed any statutory regulations incorporating the Indian Road Congress guidelines, 2009, the impugned order rejecting the petitioner's application seeking for No Objection Certificate has to be necessarily quashed and this Writ Petition will have to be



allowed. Accordingly, the impugned dated 06.07.2020 is hereby quashed and this Writ Petition is allowed. This Court directs the first respondent to issue No Objection Certificate to the petitioner within a period of four [4] weeks from the date of receipt of a copy of this order.

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7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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To

1. The Divisional Manager (Highway),
Construction & Maintenance,
State Highways Department,
Pudukottai-2.
2. The Assistant Divisional Engineer,
Construction & Maintenance,
State Highways Department,
Alangudi,
Pudukottai District.

+1 CC to M/s.A.BANUMATHY, Advocate (SR-17544[F] dated 08/04/2022)

+1 CC to M/s.SPL.GP (SR-17193[F] dated 07/04/2022)

order made in
W.P.[MD]No.3238 of 2022
Dated: 06.04.2022

USK/06.05.2022/3P/5C