



W.P.No.2373 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.2373 of 2021

V.B.R.Menon

.. Petitioner-in
person

Vs

- 1.The Secretary,
Ministry of Petroleum & Natural Gas,
A-Wing, Shastri Bhawan,
Dr.Rajendra Prasad Road,
New Delhi-110 001.
- 2.The Secretary,
Ministry of Road Transport and Highways,
Transport Bhawan,
No.1, Parliament Street,
New Delhi-110 022.
- 3.The Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Fort St. George, Secretariat,
Chennai – 600 009.



W.P.No.2373 of 2021

4.The Principal Secretary to Government,
Highways & Minor Ports Department,
Fort St. George, Secretariat,
Chennai-600 009.

5.The Director General of Police,
No.1, Dr.Radhakrishnan Salai,
Near Light House, Mylapore,
Chennai-600 004

6.The Chairman,
Tamilnadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai-600 032.

7.The Chairman,
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
New Delhi-110 032.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration to declare that the Siting and Access Criteria prescribed for Petroleum Retail Outlets under (i) Indian Road Congress Circular No. IRC-12-2016, (ii) Ministry of Road Transport and Highways Circular No.RW-NH-33032/01/2017-S&R (R) dated 26.06.2020 and (iii) Central Pollution Control Board Office Memorandum No.B-13011/1/2019-20/AQM/10802-10847 dated 07.01.2020 shall be mandatory for compliance as an integral part of the right to life guaranteed under Article 21 of the Constitution of India and consequently direct the respondents to issue necessary Government Orders to the District Authorities and commissioners of Police to ensure strict compliance of the same through physical site inspections and obtaining prior concurrences from the respective Revenue, Highways, Water resources and Town and Country Planning departments, Pollution Control Board and Local bodies before issuing No Objection Certificates under Rule 144



W.P.No.2373 of 2021

of the Petroleum Rules, 2002 to the Petroleum Retail Outlets situated within the State of Tamilnadu.

For the Petitioner : Mr.V.B.R.Menon
Petitioner-in-person

For the Respondents : Mr.T.V.Krishnamachari
SPCGC
for respondent Nos.1 and 2

: Mrs.R.Anitha
Spl. Government Pleader
for respondent Nos.3, 4 & 5

: Mrs.Shanmugavalli
Standing Counsel
for respondent No.6

: Mr.Gokulakrishnan
Standing Counsel
for respondent No.7

ORDER

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

We have heard Mr.V.B.R.Menon, the petitioner-in-person; Mr.T.V.Krishnamachari, learned counsel for respondents 1 and 2; Mrs.R.Anitha, learned Special Government Pleader for respondents 3 to 5; Mrs.Shanmugavalli, learned Standing Counsel for the sixth



W.P.No.2373 of 2021

respondent and, Mr.Gokulakrishnan, learned Standing Counsel for the seventh respondent.

2. The present writ petition is filed for a declaration that the Siting and Access Criteria prescribed for petroleum retail outlets under various Circulars shall be held to be mandatory.

3. The petitioner, appearing in person, submits that subsequent to the filing of the writ petition the State Government had issued G.O.(Ms) No.25, Highways and Minor Ports (HN.2) Department, dated 24.02.2022, thereby making applicable the IRC guidelines and it was further stated that the same shall be applicable and followed.

4. The norms are now complied with by the Ministry of Road Transport and Highways. The petitioner-in-person submits that the authorities are required to abide by the Government Order dated 24.02.2022.

5. Since the Government Order is already issued, the authorities are bound to follow the same in its true letter and spirit.



W.P.No.2373 of 2021

WEB COPY

6. With the above observation, the writ petition stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

12.07.2023

Index : Yes/No
Neutral Citation : Yes/No
bbr

To

- 1.The Secretary,
Ministry of Petroleum & Natural Gas,
A-Wing, Shastri Bhawan,
Dr.Rajendra Prasad Road,
New Delhi-110 001.
- 2.The Secretary,
Ministry of Road Transport and Highways,
Transport Bhawan,
No.1, Parliament Street,
New Delhi-110 022.
- 3.The Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Fort St. George, Secretariat,
Chennai – 600 009.
- 4.The Principal Secretary to Government,
Highways & Minor Ports Department,
Fort St. George, Secretariat,
Chennai-600 009.



W.P.No.2373 of 2021

WEB COPY

- 5.The Director General of Police,
No.1, Dr.Radhakrishnan Salai,
Near Light House, Mylapore,
Chennai-600 004
- 6.The Chairman,
Tamilnadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai-600 032.
- 7.The Chairman,
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
New Delhi-110 032.



WEB COPY



W.P.No.2373 of 2021

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKEVALU, J.

bbr

W.P.No.2373 of 2021

12.07.2023