



WA No.1187 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2023

CORAM

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

AND

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

WA No.1187 of 2021
and CMP No.7568 of 2021

P.G.M.Petrol Bunk,
Dealer of Indian Oil Corporation,
Rep. by its Proprietor, P.Goush Basha,
Dasagonipalli, Veppanapalli
Village and Post, Krishnagiri.

... Appellant

-vs-

1. The Joint Chief Controller of Explosives,
A and D Wing, Block 1 to 8, 2nd Floor,
Shastri Bhavan, 26 Haddows Road,
Nungambakkam, Chennai.
2. The District Revenue Officer,
Krishnagiri, Krishnagiri District.
3. The Divisional Engineer,
Tamil Nadu Highways Department,
Krishnagiri.
4. The State Head,
Essar Oil Ltd., Essar House, 5th Floor,
No.7, Esplanade, Chennai 108.

5. Tamilselfvi

... Respondents



WA No.1187 of 2021

Prayer: Writ appeal filed under Clause 15 of the Letters Patent to set aside the order dated 11.03.2021 passed in W.P.No.35885 of 2019 on the file of this Court.

For the Appellant :: Mr.T.Arockia Dass

For the Respondents :: Mr.T.V.Krishnamachari
 for R-1
 :: Mrs.R.Anitha
 Spl. Govt. Pleader for RR 2 and 3
 :: Mr.Vijay Meghanath for R-4
 :: Mrs.Chitra Sampath,
 Senior Counsel
 for M/s.V.Nicholas for R-5

* * * * *

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.T.Arockia Dass, learned counsel for the appellant.

2. The appellant had filed the writ petition challenging the allotment of petrol pump to respondent no.5 on the ground that the petrol pump of respondent no.5 is situated within a distance of 170 meters from the petrol pump of the petitioner. The same is violative of



WA No.1187 of 2021

guidelines under Indian Roads Congress (IRC). The said guidelines are mandatory in nature. According to the learned counsel for the appellant, the learned Single Judge misread the judgment of the Apex Court and also did not consider another judgment wherein it was held that IRC guidelines are mandatory. They are the executive instructions.

3. We have heard Mrs.Chitra Sampath, learned senior counsel for respondent no.5.

4. The No Objection Certificate (NOC) has been granted in favour of respondent no.5 in the year 2019. Though earlier it was granted in the year 2016, the same does not appear to hold good and fresh NOC was granted in the year 2019.

5. The Government on 24.02.2022 has accepted the guidelines in the IRC and issued a G.O.(Ms.)No.25, Highways and Minor Ports (HN.2) Department dated 24.02.2022 wherein the minimum distance between two retail outlets has been mandated.



WA No.1187 of 2021

WEB COPY

6. The same was based upon the letters issued by the Chief Engineer (Construction and Maintenance), Highways Department, dated 17.11.2021 and 01.12.2021. These letters were also after the respondent no.5 was granted NOC. The Division Bench of Madurai Bench has put a gloss over the judgment of the Apex Court in the case of **Indian Oil Corporation Limited vs Arti Devi Dangi**, reported in **(2016) 15 SCC 480**. As it appears that the said guidelines of IRC are adopted subsequent to the NOC being granted to respondent no.5, the learned Single Judge has not committed any error. The learned Single Judge has found that the distance between the fuel station of the appellant and of respondent no.5 is 198.5 meters.

In light of that, no case for interference is made out. The writ appeal as such stands disposed of. There will be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(P.D.A., J.)

20.07.2023

Index : Yes/No

Neutral Citation : Yes/No

Page 4 of 6



WA No.1187 of 2021

sra
WEB COPY

To

1. The Joint Chief Controller of Explosives,
A and D Wing, Block 1 to 8, 2nd Floor,
Shastri Bhavan, 26 Haddows Road,
Nungambakkam, Chennai.
2. The District Revenue Officer,
Krishnagiri, Krishnagiri District.
3. The Divisional Engineer,
Tamil Nadu Highways Department,
Krishnagiri.



WEB COPY



WA No.1187 of 2021

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

(sra)

WA No.1187 of 2021

20.07.2023