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W.P.No.14803 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.14803 of 2024

M.Thavamani

... Petitioner

Vs.

1.The District Revenue Officer,
O/o.Salem Collectorate, Salem – 636 001.

2.The Deputy General Manager (Retail Sales),
Indian Oil Corporation Ltd.,
Marketing Division, Salem Divisional Office,
234, 1st Floor, NH-7, Salem Bangalore Bypass Road,
Kondalampatty, Salem – 636 010.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 23.05.2024 for issuance of NOC application made by the 2nd respondent for commissioning of Kisan Seva Kendra, dealership location at Vellalagndam, Vazhapaddy Taluk, Salem District, in pursuance of the Letter of Intent dated 05.08.2020 issued to the petitioner within stipulated time as may be fixed by this Court.



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For Petitioner : Mr.T.Sundaravadanam
For R1 : Mr.Yogesh Kannadasan
Special Government Pleader
For R2 : Mr.Mohamed Fayaz Ali

ORDER

The petitioner seeks a direction to the 1st respondent to consider the petitioner's representation dated 23.05.2024 for issuance of NOC application made by the 2nd respondent for commissioning of Kisan Seva Kendra, dealership location at Vellalagndam, Vazhapaddy Taluk, Salem District, in pursuance of the Letter of Intent dated 05.08.2020 issued to the petitioner.

2.Whereas, the learned Additional Government Pleader appearing for the 1st respondent would submit that No Objection Certificate (NOC) has already been issued to the 2nd respondent and therefore, nothing survives in the writ petition.

3.However, the learned counsel for the petitioner would submit that the NOC has been issued as per the proforma given under the old Petroleum Rules, 2002, but not the present Rules. The grievance of the petitioner is



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that the 1st respondent has no right to impose any condition while granting NOC; however, in the NOC issued by the 1st respondent, they have imposed certain conditions. Hence, the learned counsel would submit that the 1st respondent may be directed to issue a fresh NOC as per the proforma given under the new Rules, viz., Petroleum (Amendment) Rules, 2024.

4. On a perusal of the NOC issued by the 1st respondent on 05.07.2024, it appears that the same has been issued as per the old Petroleum Rules, 2002. It is relevant to note that, as per Section 144 of Petroleum (Amendment) Rules, 2024, the NOC should be issued in the following proforma :

**“Proforma
No Objection Certificate
[See rule 144]**

No.....

Date.....

Subject: No objection certificate

With reference to the application No..... dated submitted by.....and in pursuance of rule 144 of the Petroleum Rules, 2002, there is no objection for granting licence under the Petroleum Rules, 2002 to Shri/Smt./M/s..... address..... for storage of petroleum products in their premises at Survey No...../Gata No...../Khasra No.....Plot No....., Village Taluka/Tehsil..... District State as shown in the site plan duly endorsed and enclosed herewith.



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(1) The following particulars have been considered while issuing this no-objection certificate, that-

(a) comments from the Revenue Department on the issue, regarding the possession of the site by the applicant is lawful and there is an authorisation from the land owner or leaseholder for developing premises under these rules for storage of petroleum products;

(b) comments from the Police Department regarding traffic density and impact on traffic;

(c) comments from the concerned Municipal Corporation or Gram Panchayat or local area development authority as applicable, regarding the conformity of proposal to the local area development planning including schools, hospitals and mitigating measure, if any, is provided;

(d) comments from the National Highways Authority of India or Public Works Department or any other authority concerned regarding road safety, road alignment and road access conformity;

(e) comments from the Fire Department regarding accessibility of the site to the fire tenders in case of emergency and preparedness of fire services for combating the emergencies.

Signature of the district authority issuing no objection certificate with his office seal (in towns having a Commissioner of Police, the Commissioner or a Deputy Commissioner of Police and for any other place the District Magistrate)

Note: The licensing authority shall accept the no objection certificate within a period of three years from the date of its issue for considering the grant of licence;”

However, the 1st respondent has not considered the above aspect. In such view of the matter, the NOC issued by the 1st respondent will not serve any purpose. Hence, the petitioner is directed to submit a fresh representation to the 1st respondent in this regard and on receipt of such representation, the 1st



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respondent shall consider the same on merits and issue No Objection

Certificate (NOC) as per the proforma given in Section 144 of Petroleum (Amendment) Rules, 2024. Such exercise shall be done within a period of one month from the date of receipt of a copy of this order.

5. With these directions, this writ petition is disposed of. No costs.

03.12.2025

mkn

Internet : Yes

Index : Yes

Speaking order : Yes

Neutral Citation : Yes

To

1. The District Revenue Officer,
O/o. Salem Collectorate, Salem – 636 001.

2. The Deputy General Manager (Retail Sales),
Indian Oil Corporation Ltd.,
Marketing Division, Salem Divisional Office,
234, 1st Floor, NH-7, Salem Bangalore Bypass Road,
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N. SATHISH KUMAR, J.

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