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W.P.No.21864 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2025

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.21864 of 2023

and

WMP.Nos.21194 to 21196 of 2023

Mohana Ganapathy

... Petitioner

Vs.

- 1.The Secretary,
Ministry of Road Transport & Highways,
Transport Bhawan, 1, Parliament Street,
New Delhi-110 001.
- 2.The Division Engineer,
Ministry of Road Transport & Highways,
Vellore-632 001.
- 3.The Regional Officer,
Ministry of Road Transport & Highways,
C-1-A, Rajaji Bhavan, Besant Nagar,
Chennai-600 090.
- 4.The Hindustan Petroleum Corporation Ltd.,
Petro Bhavan, II Floor, New No.82,
TTK Salai, Alwarpet,
Chennai-600 018.
- 5.The District Collector,
Collectorate, Vengikkal,
Tiruvannamalai-606 604.
- 6.The District Revenue Officer,



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Tiruvannamalai,
Tiruvannamalai District-606 604.

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7. The Revenue Divisional Officer,
Tiruvannamalai,
Tiruvannamalai District-606 604.

8. The District Fire Officer,
Vengikkal, Tiruvannamalai,
Tiruvannamalai District-606 604.

9. The Inspector of Police,
Kalasapakkam Police Station,
Kalasapakkam,
Thiruvannamalai District.

10. G. Pichandy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent pertaining to the provisional access permission granted on 21.04.2023 in F.No.RO/Chennai/MoRTH/12017/NH-234/ROL/23/2021-22 and quash the same and consequently, forbearing the respondents herein from granting any permission/NoC for setting up New Fuel Station by the tenth respondent in land situate in Village Survey No.45/1, Naidumangalam Village, Thiruvannamalai Taluk and District as the same is in violation of the Guidelines/Norms issued by the Ministry of Road and Transport, Government of India in No.RW/NH-33032/01/2017 dated 26.06.2020.

For Petitioner : Mr.V.Chandraprabu



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For Respondent-1 : Mr.Dr.D.Simon, CGSC

For Respondent : Ms.S.Anitha, SGP
Nos.2, 3 & 5 to 9

For Respondent-4 : Mr.M.Vijayan
for M/s.King & Patridge

For Respondent-10 : Mr.T.Shanmugam

ORDER

Challenging the provisional access permission granted to the tenth respondent by the third respondent on 21.04.2023 in F.No.RO/Chennai/MoRTH/12017/NH-234/ROL/23/2021-22, the present Writ Petition has been filed. Further, the petitioner seeks a direction, forbearing the respondents herein from granting any permission / NOC for setting up a New Fuel Station by the tenth respondent in the land situated in Village Survey No.45/1, Naidu Mangalam Village, Thiruvannamalai Taluk and District as the same is in violation of the Guidelines / Norms issued by the Ministry of Road Transport & Highways, Government of India in No.RW/NH-33032/01/2017 dated 26.06.2020.

2. Heard the learned counsels for the parties.



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3. The germane facts which leads to the filing of the present Petition is as follows:

3.1. The petitioner is running a retail Fuel Station outlet of Indian Oil Corporation Limited from 124/176 km to 124/226 km on the right hand side of NH-234 in Survey No.20/5, 20/6 of Naidu Mangalam Village, Tiruvannamalai District. The tenth respondent herein is in the process of setting up of a similar Fuel Station on the right opposite to the petitioner's existing Fuel Station on the left hand side of NH 234, in a property comprised in Survey No.45/1, Naidu Mangalam Village, Tiruvannamalai. The Ministry of Road Transport and Highways, Government of India has issued a notification in No.RW/NH-33023/01/2017, dated 26.06.2020, wherein it has been clearly that the distance between two fuel station should be minimum of 300 metres. However, the respondents herein without following the aforesaid guideline are processing the application of the tenth respondent, who is planning to set up the fourth respondent's fuel station opposite to the petitioner's petrol bunk. Opposing the said action of the respondents, the petitioner had earlier filed a petition in W.P.No.687 of 2021, wherein this Court vide an order dated 21.01.2022, had issued a direction to the first respondent to conduct an enquiry into the objections raised by the



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petitioner herein, within 12 weeks from the date of the said order. Pursuant to the said order, the second respondent had conducted an enquiry on 01.04.2022 in which the petitioner had objected the grant of permission for the proposed new fuel station on the ground that it is only 10 metres distance from the existing petitioner's petrol bunk which is against the norms dated 26.06.2020. However, no order has been passed by the second respondent after such enquiry. But on 21.04.2023, the third respondent had granted provisional access permission for constructing culvery and approach road for the new retail outlet which is against their own norms.

4. Aggrieved by the same, the petitioner has approached this Court by way of filing the present Writ Petition.

5. The learned counsel for the petitioner submitted that as per the Guidelines / Norms issued by the Ministry of Road Transport and Highways, Government of India dated 26.06.2020, the distance between two fuel stations as per clause 2.2 for undivided carriage way is 300m and for divided carriage way is 1000m. However, the respondents without following the same had issued the impugned order / access permission certificate in favour of the tenth respondent to set up a new fuel station which is clearly in



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violation to the guidelines / norms. Hence, he prayed this Court to grant the relief as stated in the prayer in the present Writ Petition.

6. Per contra, the learned Central Government Standing Counsel for the first respondent submitted that as per the guidelines with respect of Clause 2.2 that deals with rural stretches make it clear that the distance between two fuel stations as per clause 2.2 for undivided carriage way is 300m and for divided carriage way is 1000m. He submitted that in the present case on hand, admittedly, the proposed retail outlet comes under the undivided carriage way, however, this restriction shall not apply in case of access / egress for all the fuel stations are provided through common service road of 7.0m width and not directly to National Highway and further, access for fuel stations at closer proximity than above distance may be allowed provided entry/exit for both the fuel stations are provided through service road of 7.0 width having sufficient length, additional length of such service road shall be constructed at the cost of the latter fuel station owner/company seeking grant of permission for access for the facility and also that the proposed retail outlet is on the opposite side of the undivided carriage way, 7.0m width service road of 200m length on both side is being provided by the fourth respondent in conformity with the guidelines dated 26.06.2020 based on which the provisional access permission was granted to the fourth



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respondent. The tenth respondent fuel station is not situated either in divided or undivided carriage way, it is only situated on the opposite side of the undivided carriage way and hence, the distance norms is not applicable to the present case on hand. He submitted that the access permission granted by the third respondent to the tenth respondent warrants no interference and also that the issue involved in the present Writ Petition is no longer *res integra* and the same has already been decided by this Court in regard to the issue between the existing fuel station and establishment of a new fuel station in ***Nataraja Agencies rep. by its Proprietor G.Natarajan, Dealer, Indian Oil Corporation Ltd., Pondicherry Vs. The Secretary, Ministry of Petroleum and Natural Gas, Government of India, New Delhi and Others*** reported in ***2005 (1) CTC 394***, and in view of the same, the petitioner cannot challenge the establishment of another fuel station and accordingly, prayed for dismissal of the Writ Petition.

7. I have considered the rival submissions made by the respective learned counsels and also perused the materials available on record.

8. The learned counsel for the petitioner disputed the order of access permission granted to the tenth respondent by the third respondent vide order dated 21.04.2023 for establishment of a new fuel station opposite to the



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petitioner's existing fuel station on the ground of distance norms. This Court deems it fit to extract the relevant provision of the said norms hereunder for ready reference:

<i>S.No.</i>	<i>Items</i>	<i>Norms applicable</i>
1	Acceleration /Deceleration lane	Need to construct 100m acceleration lane and 70m deceleration lane
2	Distance of any Intersection with any category of road and median gap	300m
3	Any barrier including that of Toll Plaza and Railway Level Crossing	100m
4	Distance from the Start of approach road of Road Over Bridge (ROB)	200m
5	Start of approach road of Grade Separator/Flyover	300m
6	Distance between two fuel stations	Undivided carriage way-300m* Divided carriage way-1000m* *Including deceleration and acceleration lanes However, this restriction shall not apply in case access/egress for all such fuel stations are provided through common service road of 7.0m width and not directly to NH. Further, access for fuel stations at closer proximity than above distance may be allowed provided entry/exit for both the Fuel stations are provided through service road of 7.0m width having sufficient length, further, additional length of such service road shall be constructed at the cost of the latter fuel station owner/company seeking grant of permission for access for the facility.

9. On perusal of the same, it is pertinent to note that the proposed



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retail outlet comes under the undivided carriage way and however, the restriction shall not apply in case of access / egress for all such fuel stations are provided through common service road of 7.0m width and not directly to National Highway. The tenth respondent's fuel station is on the opposite side of the undivided carriage way to the petitioner's fuel station, 7.0m width service road of 300m length on both side is being provided by the fourth respondent in conformity with the guidelines dated 26.06.2020 and it is not established side by side, hence, distance norm is not applicable to the present case on hand as contended by the learned counsel for the petitioner. Moreover, it seems that the petition has been filed due to business rivalry between the petitioner and the tenth respondent.

10. For the foregoing reasons, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petitions are also closed. There shall be no orders as to costs.

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Index: Yes/No

NCC : Yes/No

Order : Speaking/Non Speaking



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M.DHANDAPANI.J.

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