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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-07-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 32404 of 2024
and WMP No. 35192 of 2024**

G.Chandrasekaran

Petitioner(s)

Vs

1. The Addl District Magistrate/
District Revenue Officer,
Chengalpet, Chengalpattu District.
- 2.The Divisional Engineer, Highways (C a& M)
Chengalpattu, Chengalpattu District.
- 3.The Transport Commissioner
Guindy, Chennai- 032.
- 4.The Deputy Transport Commissioner - II
Guindy, Chennai.
- 5.M/s. Hindustan Petroleum Corporation Ltd
T.T.K.Road, Alwarpet, Chennai- 18.

Respondent(s)



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PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pending in appeal vide R.No.40272/ M2/ 2022 dt. 15.03.2023 pending before the 4th respondent pertaining to the impugned proceedings of the 1st respondent vide RC No.2876/ 2020 /M3 dt. 28.09.2022 quash the same to issue the direction to the 2nd respondent to issue NOC to open the 5th respondent MSD / HSD sale outlet of 5th respondent outlet in the location at S.No.101/B2C3 in Nelvoypalayam Village, Kanchipuram District.

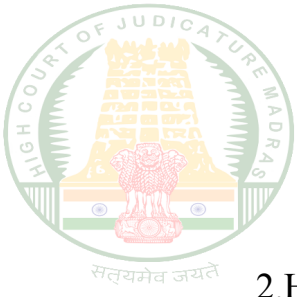
For Petitioner(s): Mr.V. Manohar

For Respondent(s): Mr.P.Ganesan
Additional Government Pleader
for R1 and R2

Mr.M. Mohammed Fayaz Ali
for R5

ORDER

This writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 28.09.2022 and for a consequential direction to the 2nd respondent to issue No Objection Certificate to the petitioner to open the retail outlet in the location that has already been identified by the 5th respondent.



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2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

3. The petitioner was selected for establishing the retail outlet by the 5th respondent in the year 2018. The place was also located. In order to locate the retail outlet, an inspection was made and the site was approved by the 4th respondent. This location abuts the rural road connecting Pavanjur-Koovathur and the petitioner has complied with all the other requirements. The petitioner was asked to get the No Objection Certificate from the 2nd respondent. The No Objection Certificate has been rejected mainly on the ground that the proposed retail outlet is not in line with the IRC Norms and therefore, the 2nd respondent has refused to grant No Objection Certificate to the petitioner. Aggrieved by the same, the present writ petition has been filed before this Court.

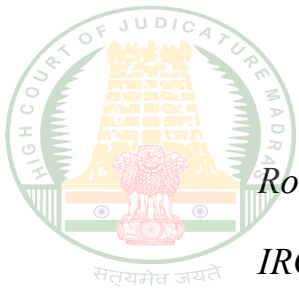
4. The 2nd respondent has filed a counter affidavit and the 2nd respondent has taken the following stand:



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9. I humbly submit that the site in question was inspected and a report was sent to the District Revenue Officer stating that it is not possible to issue a No Objection Certificate as prayed for by the Petitioner. The reason being the proposed outlet location is at Km 18/4 (L/S) of Mudukarai - Kadalore Road. This road is maintained by the Chengalpattu, Highways, Construction and Maintenance and it is a Major District Road with an undivided carriageway of 7.00 m. The proposed retail outlet (petrol bunk) of HPCL has a frontage (length) of 32.60m and a depth (width) of 31.20m (32.60 X 31.20m). However, as per IRC norms 12-2009, the frontage should be 35.00m and the depth should be 35.00m (35.00m X 35.00m). Therefore, it is clear that the Petitioner has not satisfied Indian Road Congress (IRC) norms 12-2009 While so, the Petitioner is not entitled to get the No Objection Certificate from the Respondents

10. I further submit that the proposed retail outlet (petrol bunk) of the Petitioner is 151.00m from the nearest junction Mudukarai-Kadalore Road (junction with-on the right side) Kodur road (junction with-on the left side) MK Road to Manikuppam Road As per IRC 12-2009, the maximum distance for intersection for plain and rolling terrain-non-urban structure Major District



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Road is 300m. Therefore also, the Petitioner has not satisfied the IRC 12-2009 norms and consequently, the question of granting No Objection will not arise in this case

11. I respectfully submit that the claim of the Petitioner in para No. 3 that the road where the proposed petrol bunk is to be established is a rural road and Indian Road Congress (IRC) guidelines will not apply to such road. This averment of the Petitioner is untenable inasmuch as this road is an important major District Road with an undivided carriageway of 7.00 m. The guidelines issued under IRC 12-2009 for installation of fuel station on Major District Roads are applicable to the present case as well. Therefore, the contentions urged by the Petitioner merits rejection.

12. I respectfully submit that IRC norms have to be followed strictly without any deviation. The Ministry of Shipping, Road Transport and Highways had revised substantially the norms for location layout and access to fuel station along the National Highways keeping in view the increased speed of vehicles and greater need for road safety because of development of National Highways network under various phases of National Highway Development Project and other development works on National Highways. The basic principles governing the consideration for



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setting up fuel station is to ensure free flow of traffic on the road along the fuel stations, minimum interference by the vehicles using the facilities and to ensure safety of the vehicles on road.

5.The main ground that has been put against the petitioner by the 2nd respondent is that the petitioner has not satisfied the IRC Guidelines. This Court had an occasion to deal with the effect of IRC Guidelines. This Court found that the IRC norms are only recommendatory in nature and it is not mandatory. That apart, the IRC norms are meant to be used on Highways and that too based upon traffic. Useful reference can be made to the order passed by this Court in W.P.(MD)No.19632 of 2021 dated 18.07.2022 and the relevant portions are extracted hereunder:

4. It is beyond dispute that the said G.O came into force only with effect from 24.02.2022 and not from any previous date. The BPCL had issued notification way back in the year 2018 and the petitioner had also been selected in 2020 itself. Therefore, the second respondent ought to have gone by the position that then prevailed. The petitioner's case could not have been rejected by citing G.O.(Ms) No.25, Highways and Minor Ports (HN.2)

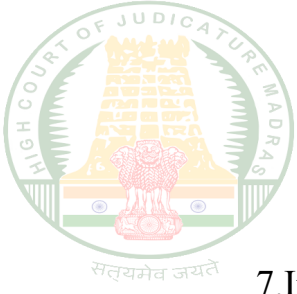


Department, dated 24.02.2022. It is also seen that the second respondent has placed heavy reliance on IRC guidelines.

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5. The learned counsel appearing for the petitioner draws my attention to the Judgment of the Hon'ble Division Bench made in W.A. (MD)No.1054 of 2020, dated 26.02.2021(The Divisional Engineer Vs. R.Meenakshi). The Hon'ble Division Bench following decision in 2016 (15) SCC 480 (Indian Oil Corporation Limited and others Vs. Arti Devi Dangi and another) held that IRC guidelines are only recommendatory and not mandatory. It was also further noted that IRC norms are meant to be used only on highways alone and that too, based upon traffic.

6.In the considered view of this Court, the location in question is not situated in the highways and that apart, IRC Guidelines do not have a mandatory force. It is only recommendatory nature. In view of the above, there shall be a direction to the 2nd respondent to issue No Objection Certificate to the petitioner, within a period of four weeks from the date of receipt of copy of this order. On receipt of the same, the petitioner shall submit the same before the 5th respondent in order to enable the 5th respondent to permit the petitioner to run the retail outlet.



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7. In the result, this writ petition stands allowed with the above directions.

No costs. Consequently, connected miscellaneous petition is closed.

11-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

ssr



To
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District Revenue Officer,
Chengalpet, Chengalpattu District.
2. The Divisional Engineer, Highways (C a& M)
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N.ANAND VENKATESH J.

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