



W.P.No.35047 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.35047 of 2024

D.Thamarai Chandran

Vs

... Petitioner

1. Additional District Administrative Officer-cum-District Revenue Officer, 185, Tiruppur Road, Kannipiran Colony, Valipalayam, Tiruppur 641 601.
2. The Manager, Bharath Petroleum Corporation Limited, Ravathur Post,Irugur Via, Coimbatore 641 103.
3. The Superintendent of Police, Palladam Main Road, Karuppa Gaundanpalayam, Tiruppur 641 604.
4. The Revenue Divisional Officer, Udumalpet, Udumalpet, Udumalpet 642 126.
5. The District Fir & Rescue Operations Officer, Tiruppur 641 604.



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6. The Divisional Engineer,
Constructions and Maintenance,
Tamil Nadu State highways Department,
Dharapuram 638 656.

7. Tahsildar, Udumalpet,
Udumalpet 642 126.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India seeking issuance of Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the first respondent dated 06.09.2024 in Muu.Mu.3612/2024/E2 and quash the same and direct the first respondent to issue no objection certificate for operating retail outlets of the second respondent to the petitioner's proposed retail outlet within the time frame that may be stipulated by this Court.

For Petitioner : Mr.T.V.Sureshkumar
for Mr.S.Lakshmi Narayanan

For Respondents : Mr.V.Ramesh, Government Advocate
for respondents 1, 4 and 7.

Mr.O.S.Karthikeyan, for second respondent

Mr.L.Baskaran, Gov. Advocate (Crl.Side)
for third respondent



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ORDER

This writ petition is filed challenging the order passed by the first respondent, rejecting the request of the petitioner for issuance of No objection Certificate for locating a petrol bunk.

2. The second respondent herein issued an advertisement calling for applications for establishing petroleum retail outlet at Udumalpet. The petitioner applied for establishing the retail outlet at Kudungiyam Village, Udumalpet Taluk. Based on the qualification and eligibility criteria, the second respondent selected the petitioner to operate a retail outlet in the above said location. The petitioner entered into a Rental Agreement with one Palaniyammal for locating the retail outlet in the property situated in S.No.47/C1B, Kodungiyam Village, Udumalpet Taluk. In order to comply the statutory formalities, the petitioner applied for No objection Certificate from the first respondent. The request of the petitioner was rejected by the first respondent by the impugned order mainly on the ground that the distance between the proposed location of the retail out let and the intersection with rural roads/ approach roads is only 118 meters as against the required



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minimum of 200 meters. Aggrieved by the same, the petitioner has come before this Court.

3. The learned counsel for the petitioner assailing the impugned order mainly by relying on G.O.(Ms) No.121 issued by the Highway and Minor Ports (HN.2) Department, dated 12.09.2023, submits that G.O.(Ms) No.121 amended the earlier G.O.(Ms). No.25, dated 24.02.2022 and reduced the distance factor from 200 meters to 100 meters and therefore, the impugned order passed by the first respondent by relying upon unamended old G.O.(Ms).No.25 is liable to be set aside, in the light of the new G.O.(Ms) No.121.

4. A reading of the impugned order would suggest that the first respondent passed the impugned order, rejecting the request of the petitioner for issuing No objection Certificate, mainly on the distance factor, based on the report submitted by the sixth respondent.

5. The learned Additional Government Pleader appearing for the sixth respondent by taking this Court to the G.O.Ms.No.121 submits



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that the proposed location selected by the petitioner is situated in Major District Road and in respect of Major District Road, the distance factor has not been reduced to 100 meters from 200 meters.

6. G.O.Ms.No.121, dated 12.09.2023 relied on by the petitioner reads as follows.

Sl.No.	Distance Norms	As per G.O. Ms.No.25, dt. 24.02.2022 (in Meters)	Relaxation sought by IOCL (in Meters)	Decision of BOE (182) (in Meters)
NON-URBAN (Rural) STRETCHES: PLAIN AND ROLLING TERRAIN				
1	Intersection with SHs/MDR/ODR	300 (SHs) 200 (MDRs/ ODRs)	-- 100 (MDRs/ODRs)	No change for SHs and MDRs 100 (ODR)

7. A perusal of above G.O. makes it clear that as per the earlier G.O.Ms.No.25, dated 24.02.2022, the distance factor between the location of retail outlet and State Highways was 300 meters. The distance factor between the retail outlet location and intersection with Major District Road/ Other District Road was fixed as 200 meters. In



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the new G.O.Ms.No.121, dated 12.09.2023, the distance factor between the retail outlet location and the Other District Road has been reduced to 100 meters from 200 meters.

8. The learned Additional Government Pleader for the sixth respondent submits that the proposed location is situated in Main District Road. Therefore, the distance factor shall be 200 meters.

9. The said submission is not acceptable to this Court, in view of the express wording in G.O.Ms.No.121, dated 12.09.2023. The distance factor mentioned in G.O.121 refers only the distance between the location of retail outlet and the nature of the intersection namely State Highways/Major District Road/Other District Road. The reduction in distance factor is based on obvious reason. If the intersection road is SH/MDR, the flow of traffic through intersection will be more and hence, retail outlet shall be located far away from intersection to avoid traffic congestion. On the other hand, if the intersection road is ODR, the traffic flow will be less and hence, a lesser distance between intersection and proposed location of retail



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outlet will be sufficient. In the case on hand, the nature of intersection is Other District Road. Therefore, the distance factor required as per G.O.Ms.No.121 is only 100 meters. The first respondent without taking into consideration of the distance factor as per G.O.121, erroneously rejected the request for No objection Certificate made by the petitioner.

10. Accordingly, the impugned order passed by the first respondent is set aside and the first respondent is directed to issue No objection Certificate to the petitioner by taking into consideration the reduction of the distance factor under G.O.Ms.No.121, dated 12.09.2023, if the application submitted by the petitioner is otherwise in order. The said process shall be completed within a period of four weeks from the date of receipt of copy of this order.

11. This writ petition is allowed accordingly. There shall be no order as to costs.

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Index:Yes/No

Internet:Yes/No



To

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S.SOUNTHAR, J.

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