



W.P.No.34499 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 03.11.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.34499 of 2023
and W.M.P.No.34405 of 2023**

R.Sarath Kumar

... Petitioner

Vs.

1.Indian Oil Corporation,
Rep.by its General Manager (Retail Sales),
Chennai Divisional Office,
No.500, Anna Salai,
Teynampet,
Chennai-600 018.

2.The District Collector,
Kancheepuram.

3.The District Revenue Officer,
Kancheepuram District,
Kancheepuram.



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4. The Divisional Engineer (Highways)
Construction and Maintenance,
Chengalpet,
Chengalpet District-603 001.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration, to declare that the action of the fourth respondent in not issuing the 'No Objection Certificate' to the petitioner for establishing retail outlet of Motor Spirit (MS)/High Speed Diesel (HSD) Filling Station at Survey No.282/4B2B & 4A2 at Manimangalam Village, Kundrathur Taluk, Kancheepuram District, as illegal, arbitrary and contrary to law and consequently, direct the respondents 2 to 4 to issue 'No Objection Certificate' to the petitioner for establishing new "A" Site Retail Outlet of Motor Spirit (MS)-Petrol/High Speed Diesel (HSD) Filling Station at Survey No.282/4B2B & 4A2 at Manimangalam Village, Kundrathur Taluk, Kancheepuram District to cater to the fuel requirement for Motoring public, pursuant to the petitioner being awarded of Retail Outlet Dealership by the first respondent through its



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communication dated 31.01.2020 within the time frame stipulated by this Court.

For Petitioner : Mr.Balan Haridas

For Respondents : Ms.Revathi Manivannan for R1
Ms.S.Anitha
Special Government Pleader
for R2 to R4

O R D E R

The petitioner in this writ petition has sought for No Objection Certificate for establishing retail outlet of Motor Spirit (MS)/High Speed Diesel (HSD) Filling Station at Survey No.282/4B2B & 4A2 at Manimangalam Village, Kundrathur Taluk, Kancheepuram District, and for a consequential direction to the respondent Nos.2 to 4 to issue 'No Objection



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Certificate' to the petitioner for establishing new "A" Site Retail Outlet of

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Motor Spirit (MS)-Petrol/High Speed Diesel (HSD) Filling Station at Survey No.282/4B2B & 4A2 at Manimangalam Village, Kundrathur Taluk, Kancheepuram District to cater to the fuel requirement for motoring public, pursuant to the petitioner being awarded of Retail Outlet Dealership by the first respondent through its communication dated 31.01.2020 within a time frame stipulated by this Court.

2. The fourth respondent had inspected the site and pointed out certain defects and thereafter, refused to issue No Objection Certificate. Hence, the petitioner has filed this writ petition.

3. Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the first respondent and the learned Special



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Government Pleader appearing for the respondents 2 to 4.

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4. It is seen from the counter affidavit filed by the fourth respondent that the fourth respondent in the reference dated 27.09.2023 addressed the third respondent stating that as per the order of this Court in W.P.No.18753 of 2019, the checklist and relevant documents were requested from the first respondent which were not received and therefore, the fourth respondent could not give recommendations for issuance of No Objection Certificate. This Court after carefully going through the materials placed on record and the facts and circumstances of the case, found that the issue involved in this present writ petition is no longer res integra as the same has been decided by the Hon'ble Division Bench of this Court in W.A(MD).No.1054 of 2020, vide order dated 26.02.2021, wherein, the Hon'ble Division Bench of this Court has rejected the appeal filed by the Divisional Engineer (C & M),



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Highways Department, Karur, on the ground that Indian Roads Congress

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Guidelines are not mandatory in the light of the judgment of the Hon'ble Supreme Court of India in the case of *Indian Oil Corporation Limited and others vs. Anti Devi Dangi and another* reported in *2016 (15) SCC 480*.

5. Admittedly, in the present case, the fourth respondent has relied upon the Indian Roads Congress Guidelines and submitted that the petitioner has not followed the guidelines which are mandatory in nature and No Objection Certificate as sought for by the petitioner could not be issued. However, it is crystal and clear that the Hon'ble Supreme Court of India has made it clear that the Indian Roads Congress Guidelines are not mandatory for issuing No Objection Certification for establishing the retail outlet of diesel filling station. Therefore, the fourth respondent is directed to issue the No Objection Certificate to the petitioner to enable him to establish new "A"



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Site Retail Outlet of Motor Spirit (MS)/High Speed Diesel (HSD) Filling

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Station at Survey No.282/4B2B & 4A2 at Manimangalam Village,

Kundrathur Taluk, Kancheepuram District as awarded by the first respondent

within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition is allowed. There shall be no order as to costs. Connected miscellaneous petition is closed.

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NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

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To

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M.DHANDAPANI, J.

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