



W.P(MD)No.2646 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.2646 of 2025

and

W.M.P(MD)Nos.1865 & 1866 of 2025

Bindhumol

... Petitioner

Vs

1. The District Revenue Officer,
Karur District,
Karur.
2. The Revenue Divisional Officer,
Karur District,
Karur.
3. The Divisional Engineer,
State Highways,
Construction and Maintenance,
Karur.
4. The Territory Manager (Retail),
Bharat Petroleum Crop Ltd,
Athur and Kadhapparal Village,
Athur Post,
Karur - 639 008.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the first respondent made in Oo.Mu.No. E2/20967/2023, dated 30.08.2024 and quash the same and consequently, direct the respondents No. 1 to 3 to grant license to operate Petroleum Retail Outlet at S.No. 323/1B, Naniyur Village, Manmangalam Taluk, Karur District.

For Petitioners : Mr.R.Murali
for Mr.A.Srinivasan

For R-1 to R-3 : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order, dated 30.08.2024 and consequently, direct the respondents No. 1 to 3 to grant license to operate Petroleum Retail Outlet at S.No. 323/1B, Naniyur Village, Manmangalam Taluk, Karur District.

2. Through the impugned order, the respondents have refused to grant license by referring to two Government Orders, namely, G.O.Ms.No.25, Highways and Minor Ports (HN2) Department, dated 24.02.2022 and G.O.Ms.No. 121, Highways and Minor Ports (HN2) Department, dated 12.09.2023. In the said



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Government Orders there are several guidelines to establish a retail outlet. In the present case, the respondents have rejected the petitioner's application solely on the ground that the proposed location is situated adjacent to the intersection of another District Road i.e., at a distance of '0' meters. In G.O.Ms.No.25, Highways and Minor Ports (HN2) Department dated 24.02.2022, the required distance from an intersection is stipulated as over and above 300 meters. If the location is along a State Highway intersecting with another District Road, the required distance is 200 meters.

3. In the present case, the proposed site falls in a non-urban area, and the distance is '0' meters from the intersection. The said Government Order (G.O.) was issued based on the recommendation letter from an Chief Engineer Highways Department. Even though the petitioner has not challenged the validity of the said Government Orders, but has raised a plea that the said G.O. was issued without authority and without statutory power

4. On perusing the G.O., it is seen it has been issued based on a recommendation, without reference to the specific source of power under which the Government has issued such directions. Moreover, there is no logic behind the order. Even though the IRC guidelines have been stated in the counter affidavit, the same have not been produced before this Court. The intersection between two



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District Roads will not be a safety violation. It is provided for general public only.

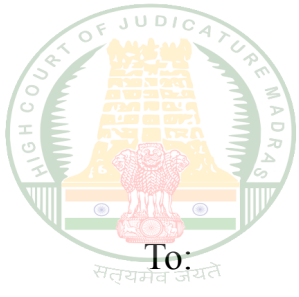
5. In view of the above, this Court is inclined to interfere with the impugned order. Accordingly, the impugned order is set aside. The official respondents are directed to issue license to the petitioner to operate the Petroleum Retail Outlet, situated at S.No. 323/1B, Naniyur Village, Manmangalam Taluk, Karur District, within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With the above observations, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

04.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes

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To:

1. The District Revenue Officer,
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Karur.
2. The Revenue Divisional Officer,
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Karur.
3. The Divisional Engineer,
State Highways,
Construction and Maintenance,
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S.SRIMATHY, J.

jbr

ORDER MADE IN
W.P(MD)No.2646 of 2025

DATED : 04.07.2025