



W.P(MD)No.12923 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.12923 of 2023
and
WMP(MD)No.10944 of 2023

Selvi

...Petitioner

Vs.

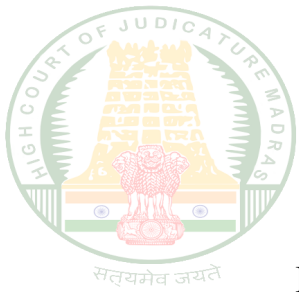
1.The Divisional Retail Head
Indian Oil Corporation Limited,
No. 2, Race Course Road, Chokkikulam,
Madurai 625 002.

2.The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.

3.The Divisional Engineer (C & M),
Highways Department,
Ramanathapuram

...Respondents

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 on the file of the 2nd respondent in his proceedings in COLREV/3003/2023-C2 dated 28.04.2023 and quash the same and consequently direct the 2nd respondent to issue No Objection Certificate for the establishment of the retail MS/HSD outlet in Survey No. 364/1F1B, 364/1E2, Orur to Vellaiyapuram, Oriyur Village, Thiruvadanai Taluk, Ramanathapuram District in favour of the petitioner.



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For Petitioner

:Mr.A.Satheesh Murugan

For R1

:Mr.K.Muraleedharan

For R2 and R3

: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 proceedings passed by the 2nd respondent dated 28.04.2023 and consequently to direct the 2nd respondent to issue No Objection Certificate for the establishment of the retail MS/HSD outlet in Survey No. 364/1F1B, 364/1E2, Orur to Vellaiyapuram, Oriyur Village, Thiruvadanai Taluk, Ramanathapuram District in favour of the petitioner.

2. Through the impugned order, the 2nd respondent has refused to grant a No Objection Certificate, stating that the extent prescribed in G.O.Ms.No. 25, dated 24.02.2022, has not been met. According to the said G.O., the required extent of the property should be 35 x 35. However, the petitioner does not have the required space.

3. The learned Additional Government Pleader appearing for the official respondents relied on the latest G.O.Ms.No.121, dated 12.09.2023, wherein the prescribed extent is 25M x 25M. Since the petitioner does not have the required space as per the said G.O., the respondents have rejected the request.



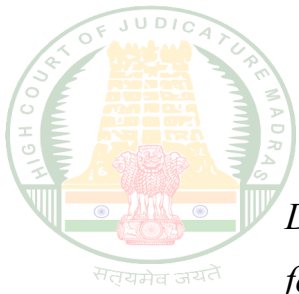
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On the other hand, the learned counsel appearing for the 1st respondent submitted that all the Government Orders were issued in accordance with the IRC guidelines laid down by the Petroleum authorities. As far as the Indian Oil Corporation is concerned, it has granted permission to open the retail outlet by accepting the existing extent of the property. Therefore, once the appropriate authority has already granted approval, the rejection by the respondents is unjustified. It reflects a non-application of mind.

4. A similar issue was considered by a learned Single Judge of this Court in W.P.(MD) No.28195 of 2022, dated 29.03.2023, wherein it was held that the Government Order was issued based on the guidelines, and therefore, the G.O. itself forms part of the guidelines. Moreover, the Indian Oil Corporation accepted the extent of the petitioner. Hence, the impugned order cannot be sustained.

5. Another learned Single Judge of this Court also considered the issue and passed an order in W.P.(MD) No.9203 of 2023, dated 20.01.2025, wherein it is stated as follows:

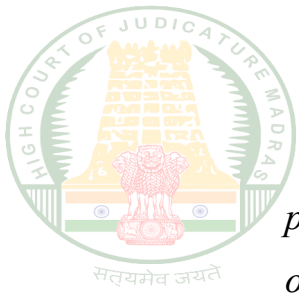
“3.On perusal of the counter affidavit filed by the third respondent and on the submissions made by the learned Special Government Pleader would reveal that the petitioner proposed to open a retail outlet for sale of petrol/diesel of MS/HSD retail outlet in the land comprised in Survey No.158/1A4B situated at Narippaiyur Village, Kadaladi Taluk, Ramanathapuram



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District. On physical verification, the said land is not sufficient for sale of petrol/diesel retail outlets in terms of the Indian Road Congress Guidelines – 12 (2016) Section 5.2 and as per G.O.Ms.No.25, dated 24.02.2022. As per the Indian Road Congress Guidelines and the Government order, the plot size will be 35m x 35m dimensions but the petitioner's plot does not with the dimension of 35m x 35m dimension. Therefore the request made by the petitioner for No Objection Certificate was rejected by the first respondent. The Hon'ble Division Bench of this Court repeatedly held that the Indian Road Congress Guidelines are not mandatory in all matters. Further, the Government of Tamil Nadu failed to frame any rules in conjunction with the guidelines issued by the Indian Road Congress.

4.As stated supra, the petitioner applied for a retail outlet dealership as early as on 15.12.2018. But the Government passed G.O.(MS)No.25 on 24.02.2022. Therefore the said G.O is not applicable to the case of the petitioner. Further, as per the notification issued by the first respondent, it requires only a 30 m X 30 m dimension plot. The petitioner's plot size is 33m X 33 m dimension. Therefore, it is within the eligibility criteria of the first respondent. In view of the above, the order impugned cannot be sustained and the same is liable to be quashed and accordingly the same is quashed. The second respondent is directed to issue No Objection Certificate for establishment of the retail outlet in the land comprised in Survey No.158/1A4B situated at Narippaiyur Village, Kadaladi Taluk, Ramanathapuram District in favour of the petitioner, within a



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

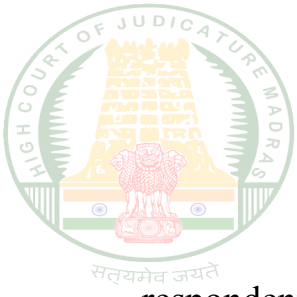
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6. Further, the said issue was considered by the Hon'ble Division Bench of this Court in W.A.(MD) No.19218 of 2019 and its batch, dated 17.02.2019. The relevant paragraph No.23 is extracted hereunder:

.....

“23. It is submitted that the Circulars issued by the Indian Roads Congress are only guidelines and the respondent Oil Corporations will have the same as a yardstick and it is not mandatory. The respondent oilCorporations decide the minimum measurements, after taking note of all the feasibilities and the norms of the National Highway. It is denied that 50% of plot dimensions of the retail outlest advertised are less than the minimum requirement. It is stated that the Indian Oil Corportion advertised for 2615 locations, out of which 470 are on the National Highways and therefore, the allegations made by the petitioner are bereft of facts.”

7. This has already been confirmed by the Hon'ble Supreme Court also. Therefore, the impugned order is liable to be quashed.



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8. Accordingly, the impugned proceedings passed by the 2nd respondent dated 28.04.2023 is hereby quashed and consequently to direct the 2nd respondent to issue No Objection Certificate within a period of four weeks from the date of receipt of a copy of the order.

9. With the above observations and directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

14.07.2025

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

Ksa



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To:

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S.SRIMATHY, J.

Ksa

**ORDER MADE IN
W.P(MD)No.12923 of 2023**

DATED : 14.07.2025