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WP No. 24993 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-02-2026

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THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 24993 of 2024

AND

WMP NO. 35005 OF 2024 & WMP NO. 1812 OF 2026

Hindustan Petroleum Corporation
Rep by its Senior Regional Manager
Coimbatore Retail Regional Office
HP House, No. 18/3, Big Bazaar Street,
Coimbatore-641 001.

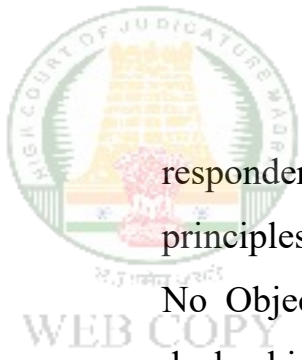
..Petitioner(s)

Vs

1. Additional District Administrative Magistrate
And The District Revenue Officer,
Tirppur District, Collectorate,
Cotton Market Building
Tiruppur District-641 604.
2. The Divisional Engineer Highways Department,
Tiruppur District.
3. Kamaraj Vairan
S/o.Vairan
No. 3/13, M. ThottiyaPalayam,
Pallagoundanpalayam
Avinashi, Thiruppur – 638 056.

..Respondent(s)

PRAYER : Writ Petition filed under Article 226 of Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the records of the
impugned order in Mu.Mu.2952/2024/E2 dated 14.06.2024 passed by the 1st



respondent and quash the same as illegal, improper, unreasonable, against the principles of natural justice and consequently direct the 1st respondent to issue No Objection Certificate for the establishment of the MS/HSD retail outlet dealership at Survey No. 201/2A of Chengapalli Village, Uthukkuli Taluk, Tiruppur District, Tamil Nadu within the period specified by this Court

For Petitioner(s): Mr.Mohammed Fayaz Ali

For Respondent(s): Mr.P.Muthukumar
Additional Advocate General
Assisted by Ms.P.Aishwarya
Government Advocate for R1 & R2

Mr.P.N. Vignesh for R3

ORDER

The writ petitioner is the Hindustan Petroleum Corporation who seeks to challenge the order passed by the first respondent dated 14.06.2024 in Mu.Mu.2952/2024/E2 and consequently direct the first respondent to issue 'No Objection' for establishment of MS/HSD Retail Outlet Dealership at Survey No.201/2A of Chengapalli Village, Uthukkuli Taluk, Tiruppur District.

2. It is the case of the petitioner that the petitioner-Corporation on 28.06.2023 had issued a notification via newspaper advertisement for establishing MS/HSD petroleum retail outlet dealership between KodiampalayamNaal Road and Chengapalli on SH 81 under ST category.



Pursuant to the aforementioned advertisement, one Kamaraj Vairan, the third respondent had come forward to offer a piece of land measuring 1225 sq.mtr., in the subject property, vide his application dated 27.09.2023. On completing the formalities, the petitioner-Corporation had issued a Letter of Intent in favour of the third respondent on 17.01.2024. In order to fulfill the statutory requirement and to establish the retail outlet, the petitioner had requested the first respondent to grant a No Objection Certificate under Rule 144 of the Petroleum Rules, 2002, vide his application dated 13.01.2024.

3. Upon receipt of the petitioner's application, the District Revenue Officer, Tiruppur, the first respondent had conducted an enquiry. The petitioner-Corporation had also obtained the NOCs from the following Departments :

- (a) NOC dated 01.03.2024 issued by the District Environmental Engineer, Tiruppur;
- (b) NOC dated 06.03.2024 issued by the Chairman / Executive Office, Tiruppur;
- (c) NOC dated 23.02.2024 issued by the Joint Director, Agriculture, Tiruppur;
- (d) NOC dated 23.02.2024 issued by the Fire Safety and Rescue Department;
- (e) NOC dated 08.04.2024 issued by the Police Department, Tiruppur;
- (f) NOC dated 26.04.2024 issued by the Sub Collector, Tiruppur.



4. Subsequently, on 22.04.2024, the Divisional Engineer (Highways), Tiruppur, the second respondent herein had issued a report stating that the plot offered for petrol outlet was not in square dimension but was slanted, and this dimensions of the plot is not as per G.O.(Ms) No.25 [Highways and Minor Ports (HN.2) Department] dated 24.02.2022. This G.O.No.25 was passed by adopting the guidelines in IRC 12-2016 which provides the size of plot for fuel station should be 35 x 35 mtrs. Therefore, by relying upon the report of the Highways Department dated 22.04.2024, the first respondent had unilaterally rejected the grant of NOC, without affording an opportunity of hearing to the petitioner. Aggrieved by the same, the petitioner is before this Court.

5. The learned counsel appearing for the petitioner would submit that though the respondents 1 and 2 would reiterate that the said G.O came to be issued by relying on IRC Guidelines, however, the said Government Order was not issued by following the guidelines as set out in the IRC guidelines. As per Guideline 5.1, the size and shape of a plot for putting up a fuel station need to be such that, it could comfortably accommodate fuel pumps, offices, stores, compressor room, air pump and koisks as well as easy access and exit from the plot. Following the above, Clause 5.2 of IRC Guidelines provides that the minimum size of the plot for fuel station should have a frontage with 35 mtrs and the depth being 35 mtrs. However, the Government Order which has been relied upon by the respondents 1 and 2, has not taken note of the IRC



Guideline 5.2. He would also draw the attention of the Court to the application that has been submitted to the authorities which clearly earmarks the various structures that are required to be present in the plot as detailed in 5.1 of IRC Guideline. He would submit that the said Government Order re-writes the IRC Guideline. Even in the said report dated 22.04.2024, it is clearly stated that in other response, the provisions of IRC Guideline would apply.

6. It is also the contention of the learned counsel for the petitioner that the impugned order has been passed without affording an opportunity to the petitioner to justify its claim. He would also submit that the rejection order in granting 'NOC' is in violation of the provisions of Rule 149 of Petroleum Rules, 2002.

7. Per contra, Mr.P.Muthukumar, learned Additional Advocate General, assisted by Ms.P.Aishwarya, learned Government Advocate would submit that the measurement given in G.O. (MS) No.25 has to be maintained, and to a query by the Court as to whether the measurement given in the said G.O., i.e., 35 x 35 mts (which corresponds to frontage and depth) denotes the minimum requirement of the plot or the maximum, the learned Additional Advocate General has fairly conceded that it is not clear from the said Government Order whether the said dimensions relates to minimum size or maximum size of the plot intended for fuel station. The learned Additional Advocate General also



fairly conceded that the impugned order has been passed without notice to the petitioner.

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8. Heard the learned counsel on either side and also perused the materials placed in the typed set of papers.

9. Rule 149 of the Petroleum Rules 2002 and its proviso would read as follows :

“149. Refusal of no objection certificate :- *A district authority refusing to grant a no objection certificate under Rule 144 shall record in writing, the reasons for such refusal and shall furnish to the appellant a copy of such order :*

Provided that before refusing to grant a no objection certificate, the applicant shall be given an opportunity of being heard.”—

10. The contention of the petitioner is that both the Government Order relied upon in the impugned order namely G.O.(Ms) No.25 [Highways and Minor Ports (HN.2) Department] dated 24.02.2022 and as well as its amendment in G.O.(Ms) No.121 [Highways and Minor Ports (HN.2) Department] dated 12.09.2023 does not take into consideration the Guideline 5.1 of IRC Guidelines. Guideline 5.1 prescribes the various structures that are required to be present / installed in the place where a petrol bunk is proposed to



be installed and the same is further clarified in Guideline 5.2, which stipulates the minimum required size of the plot for erecting a fuel station along the National Highways.

11.The petitioner's request has been turned down by the Highways Department only on the ground that, of the four sides of subject property, one side measures less than 35 mtrs., whereas all the other three sides measure over and above 35 mtrs., These factors could have been highlighted, had the first respondent granted a personal hearing to the petitioner. The impugned order clearly shows that the petitioner has not been called nor his objections were received, and the entire order has been passed only on the basis of G.O.(Ms) No.25 dated 24.02.2022. Rule 149 of the Petroleum Rules 2002 and its proviso extracted supra show that before refusing to grant a No Objection Certificate, the applicant should be given a hearing and an opportunity of being heard. Admittedly, this opportunity has been denied to the petitioner.

12. Therefore, the impugned order is set aside on the ground that no opportunity of hearing was given to the petitioner, and accordingly, the matter is remitted back to the first respondent to hear and consider afresh. The first respondent is directed to consider the application of the petitioner afresh, keeping in mind the Rules 5.1 and 5.2 of IRC Guidelines which has to be read



alongside with G.O. (Ms) No.25, referred in the impugned order, and thereafter, after providing an opportunity of hearing to the petitioner thereby enabling them to putforth their case, shall pass a speaking order, . The entire exercise shall be completed within a period of one month from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

03-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

DS

To:

1. Additional District Administrative Magistrate
and The District Revenue Officer,
Tirppur District, Collectorate,
Cotton Market Building, Tiruppur District-641 604.
2. The Divisional Engineer Highways Department
Tiruppur District.



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