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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WA No. 98 of 2023

and

CMP No. 976 of 2023

Hindustan Petroleum Corporation Ltd.,
No.90, 2nd Floor, MDSR Enclave,
Barathidasan Road,
Contonment,
Tiruchirapalli.

..Appellant

Vs

1. Karaikal Port Private Limited,
Rep. by its Director, V.P.Rajini Reddy,
Keezhavanjoor Village,
T.R.Pattinam,
Karaikal-609606.
2. The Deputy Collector (Revenue)
cum Sub- Divisional Magistrate,
Government of Puducherry,
District Collectorate,
Karaikal - 609602.
3. The Member Secretary,
Karaikal Planning Authority,
Karaikal.
4. The Joint Chief Controller of Explosives,
Shastri Bhavan,
Haddows Road,
Chennai- 600034.
5. S.Rajasekaran,
Proprietor of M/s.Chandra Enterprises,
16/A, Annavasai Salai,
Nedungadu, Karaikal.



6. The Director of Ports,
Port Department,
Government of Puducherry, Puducherry.

..Respondents

Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 28.10.2022 made in WP.No. 14113 of 2014.

For Appellant : Mr.M.Vijayan
for M/s.King and Partridge

For Respondents : Mr.S.Aravindan,
for M/s.Fox Mandal Associates for R1

Dr.B.Ramaswamy,
Addl. Govt. Pleader for R2 & R3 & R6

Mr.C.Samivel,
Standing Counsel for R4

R5 – No Appearance

Judgment

(Judgment of the Court was delivered by S.M.Subramaniam J.)

Under assail is the Writ order dated 28.10.2022 made in W.P.No.14113 of 2014.

2. The Hindustan Petroleum Corporation Limited is the appellant before this Court. The 1st respondent Karaikal Port Private Limited has instituted the Writ proceeding challenging the No Objection Certificate granted by the Authorities for commissioning petrol retail outlet in an objectionable area.



3. The learned Single Judge elaborately adjudicated the issues with reference to the applicable provisions of the Puducherry Town and Country Planning Act as well as the relevant laws for running retail petrol bunk.

4. The 1st respondent port raised a serious objection regarding security issues and they have made a submission that the District Collector has passed a resolution for laying road in that particular locality and only in the event of laying a pakka thar raod, No Objection Certificate is to be granted for running retail petrol bunk. In this regard, the learned counsel for the 1st respondent would rely on the minutes of the meeting held on 20.06.2014 by the District Collector in connection with the issue of allowing public access on both sides of the road leading to Karaikal Port Private Limited. After due deliberation, the following resolutions are passed :

After due deliberations following decisions were arrived at:

1. Providing 4.8 metres road on both sides of the existing road giving way for public to have access to their land. The proposed public access road is proposed to be formed with a width of 4.8 metres in R.S.No.119/7 pt and 132/2B pt on the Northern side while in R.S.No.119/5 and 131/5B pt in the southern side of the land which are under the custody of the Karaikal Port Pvt. Ltd. The Karaikal Port Pvt. Limited has accepted for the formation of road for public utility.

2. As the local body has no sufficient fund to meet the expenses for the formation of a metal road, the



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Superintending Engineer – III has been requested to take initiative for the formation of the road out of Public Works Department fund.

3. The exact boundaries of land to be technically verified and intimated to the Karaikal Port Pvt. Limited by the Survey Revenue Department and to be incorporated by Revenue, Town and Country Planning and commune Panchayat records.

4. A culvert/ canal is required to be constructed in the southern part of the proposed road as there is a channel in existence.

5. The Commissioner, TR Pattinam Commune Panchayat to take early action for the demolition of the cremation shed near the arrack shop, after consulting all stake holders.

The officers representing Karaikal Port Pvt. Ltd has expressed their acceptance for the formation of 4.8 metre width road on either side of the existing road leading to the Karaikal Port Pvt. Limited as stated above.

The Public Works Department, Karaikal to make necessary arrangements for the formation of road on either side of the existing road and the construction of a culvert/ canal.



5. The learned Single Judge also considered these facts and granted liberty to the appellant to apply for a fresh NOC after proper permission from the planning Authority to run Petrol Retail Outlet in the land, which belongs to the private respondent and can use the alternative road to be developed by the Government of Puducherry.

6. The learned counsel for the appellant would oppose by stating that though resolution was passed long before, no further actions are initiated. It is for the appellant to pursue the matter by approaching the District Collector for implementation of the project as expeditiously as possible. Simultaneously the appellant may submit a fresh application seeking NOC. As of now, in the prevailing condition, the NOC cannot be considered since the port raises serious concern about the security aspects.

7. In view of the facts and circumstances, the appellant is expected to approach the competent Authority for completing the road project. The road project is directed to be completed in accordance with the directions already issued by the learned Single Judge in the Writ order impugned. The application seeking NOC, if any, submitted is to be considered only after laying of the road by the competent Authority.

8. In view of the above factum, this Court does not find any infirmity in respect of the writ order impugned in the present intra-Court appeal.



Accordingly, the present Writ Appeal stands **dismissed**. No costs.

Consequently, the connected miscellaneous petition stands closed.

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(S.M.S.,J.) (K.S.,J.)
01-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

DSA



To

1. The Deputy Collector (Revenue)
cum Sub- Divisional Magistrate,
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Karaikal - 609602.
2. The Member Secretary,
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Karaikal.
3. The Joint Chief Controller of Explosives,
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**S.M.SUBRAMANIAM J.
AND
K.SURENDER J.**

DSA

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