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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2026

CORAM

THE HON'BLE MR.SUSHRUT ARVIND DHARMADHIKARI,

CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G. ARUL MURUGAN

WA No. 3246 of 2026

CNR:{HCMA012188512026}

and CMP No.28662 of 2026

1. Palepu Suri Babu
Door No.09-05-029, Kothapeta,
Near Ramalayam, Yanam 533 464.

Appellant(s)

Vs

1. Sri Veera Venkata Fuels
Rep. by its Prop. Villa Mangapathi
Rao, Survey No.108/7, 108/8,
108/9 and 108/10, Mettacur
Village, Yanam Taluka, Union
Territory of Puducherry 533 464.

2.The Dist.Collector
Puducherry District, Puducherry.

3.The Sub Divisional Magistrate
Office of the Sub Divisional
Magistrate, Yanam, Puducherry.

Respondent(s)

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PRAYER

Appeal filed under Clause 15 of the Letters Patent against the order dated 10-07-2026 in WP.No.26105/2026 on the file of this Court.

For Appellant: Mr.N.G.R.Prasad,
Senior Counsel Thr' VC
for Mr.K.Srinivasa Murthy
for M/s.Row and Reddy

* * * * *

JUDGMENT

(Judgment of the Court was
delivered by G.Arul Murugan, J.)

This intra-court appeal assails the order dated 10.07.2026 passed in WP No.26105 of 2026, whereby the Writ Court has disposed of the writ petition allowing the petitioner/R1 herein to proceed with the construction and leaving it open to the respondents to carry out inspection.

2. Learned Senior Counsel appearing for the appellant, who is the third respondent in the writ petition, submitted that the appellant is aggrieved by the order of the learned Single Judge allowing the first respondent to proceed with the construction. He further submitted that the appellant, being a resident of that locality, is aggrieved by the

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fact that the No Objection Certificate (NOC) granted in favour of the first respondent is not in order, as the petroleum outlet is sought to be established within the prohibited distance from the waterbody.

3. Heard learned Senior Counsel for the appellant and perused the material available on record.

4. Based on the application submitted by the first respondent/ writ petitioner, it is seen that already the third respondent/Sub-Divisional Magistrate has issued No Objection Certificate dated 30.04.2026 in favour of the first respondent allowing them to put up a petroleum outlet. After the NOC has been issued, it seems that the appellant herein, who is a third party, has submitted an objection regarding the grant of NOC and in this regard, the third respondent has, by proceedings dated 24.06.2026, directed for re-examination by conducting an enquiry. Aggrieved, the first respondent filed the writ petition challenging the proceedings of the third respondent dated 24.06.2026, insofar as it seeks to reopen the issue in respect of the NOC already granted.

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5. The learned Single Judge, after considering the submission of R1 herein that the proceedings for fresh re-examination has been issued without issuing any notice or affording opportunity and the submission of learned Government counsel that it is only an intra-departmental communication where a report is called for, allowed the petitioner/R1 to continue the construction and left it open to the respondents to carry on the inspection. Assailing the order passed in the writ petition, the appellant herein, who is the third respondent in WP, has come before this Court.

6. At the outset, it must be noted that any grievance regarding the order passed in the writ petition lies primarily with the first respondent/writ petitioner. Although the first respondent initially challenged the proceedings dated 24.06.2026 contending that the second respondent lacked authority to reopen the issue once the NOC was granted, the learned Single Judge ultimately allowed them to proceed with construction, while leaving it open to the authorities to conduct inspection. However, the first respondent had not filed any appeal. Instead, the appellant, a third party, has filed this appeal

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contending that the Single Judge exceeded the scope of the writ petition by permitting the construction.

7. It is also to be noted that under the scheme of things, if a petroleum outlet is to be established, the Executive Magistrate issues the NOC under Rule 144 of the Petroleum Rules, 2002 and based on the NOC granted, the authorities of Petroleum and Explosives Safety Organisation (PESO) grant site approval. On the issuance of site approval, constructions are carried out and, subsequently, explosive licence is granted, based on which, the petroleum outlet is commissioned. The subject matter of the writ petition was only with regard to the re-opening of the issue by the Sub-Divisional Magistrate and there, the issue of any site approval granted or subsequent permissions granted in favour of the first respondent was not in issue. When the facts stood thus, we do not find any error in the order passed by the learned Single Judge allowing the first respondent to proceed with the construction, particularly when the fact remains that the NOC dated 30.04.2026 issued in favour of the first respondent is admittedly not under challenge in any one of the proceedings.

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8. Under such circumstances, the present appeal filed by the appellant/3rd respondent, when the learned Single Judge has also permitted the authorities to carry on the inspection, is without any basis. Under the scheme of the Rules, the petroleum outlet could be commissioned only after obtaining all the necessary approvals by satisfying the regulatory criteria.

In view of the above, we find no merit in the appeal. Accordingly, the Writ Appeal is dismissed. There shall be no order as to costs. Consequently, the interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ.) (G.ARUL MURUGAN, J.)
27.10.2026

Index : Yes/No
Neutral Citation : Yes/No

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To

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THE HON'BLE CHIEF JUSTICE
AND
G. ARUL MURUGAN, J.

(sra)

WA No.3246 of 2026

27.10.2026

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