



*W.A(md)Nos.1413 of 2023, 1023 of 2022, 306, 1036, 1858 of 2023 and
W.P(MD)No.4969 of 2023, 5590 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 05.02.2026

Pronounced on : 26.02.2026

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

**WA(MD)Nos.1413 of 2023, 1023 of 2022, 306, 1036, 1858,
W.P(MD)No.4969 of 2023 and 5590 of 2025**

and

**C.M.P(MD)Nos.11013,3484 of 2023, 8240 of 2022, 7892, 14212 of 2023
and W.M.P(MD)Nos.4634, 4635, 4636, 7298, 8315, 23421 of 2023, 7734
and 9889 of 2024**

W.A(MD)No.1413 of 2023

- 1 The State of Tamil Nadu,
Rep. by Principal Secretary to Government,
Highways and Minor Ports Department,
Secretariat, Fort.St.George,
Chennai - 600 009.
- 2 The District Revenue Officer,
Tenkasi District, Tenkasi.
- 3 The Divisional Engineer,
Highways (C and M),
Tenkasi District.

**Appellants/Respondents
2 to 4**

-Vs-



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1 K. Kaleeswari

...1st Respondent/Writ
Petitioner

2 State Human Rights Commission,,
Rep by its Member, No. 143, P.S.
Kumarasamy Raja Salai,
Greenways Road,
Chennai - 600 028.

3 Indian Oil Corporation Limit
Ed,, Rep. by its Regional Manager, Madurai
Divisional Office, No.2, Race Course Road,
Chokkikulam,
Madurai-2.

...Respondents 2&3/
Respondents 1 & 5

Prayer: Writ Appeal filed Under Clause 15 of Letters Patent, to prefer this
Memorandum of Grounds of writ appeal against the order passed by this
Court in WP(MD)No.16637 of 2022 dated 12.08.2022.

For Appellant(s): Mr. Veerakathiravan, AAG, assisted by
Mr. S.R.A. Ramachandran, AGP

For R1 : Mr. K. Jeyamohan
For R2 : Mr. P. Ganapathi Subramanian
For R3 : Mr. K. Muraleedharan

W.A(MD)No.306 of 2023

- 1 The Principal Secretary to
Government of Tamilnadu, (Highways and Minor
Ports Dept.), Secretariat, Chennai.
- 2 The District Revenue Officer
Tenkasi District,
Tenkasi.



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3 The Superintending Engineer
Tamil Nadu Highways Dept., A.R.Line,
Palayamkottai, Tirunelveli.

4 The Divisional Engineer
Tamil Nadu Highways Dept.,
Tenkasi District ,
Tenkasi.

...Appellants/Respondents
1 to 4

Vs

1 U.Chakaravarthy

...1st Respondent/Writ
Petitioner

2 Territory Manager,
Bharat Petroleum Corporation Limited,
BG Goods Shed Road,
Thachanallur,
Tirunelveli-627358.

...2nd Respondent/5th
Respondent

Prayer: Writ Appeal filed Under Clause 15 of Letters Patent, to prefer this
Memorandum of Grounds of Writ Appeal against the order passed by this
Court in WP(MD).No.19632 of 2021 dated 18-07-2022.

For Appellant(s):Mr.Veerakathiravan, AAG, assisted by
Mr.S.R.A.Ramachandran, AGP
For R1 :Mr.S.C.Herold Sinch
For R2 :Mr.AR.L.Sundaresan, ASGI,
assisted by Mr.S.Natesh Raaja

W.A(MD)No.1023 of 2022

1 The District Revenue Officer,
Tenkasi District.
Tenkasi.



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2 The Divisional Engineer(C & M),
Highways Department, O/o. the
Divisional Engineer (H),
Tenkasi 627 811.

...Appellants/Respondents.2&3

-Vs-

1 Haris Hilten

2 S.Prince Joseph Raj

...Respondents 1&2/ Writ
Petitioners

3 Indian Oil Corporation Limit
Ed, Madurai Divisional Office, No.2, Race
Course Road, Chokkikulam,
Madurai 625 002.

...3rd Respondent/1st
Respondent

Prayer: Writ Appeal filed Under Clause 15 of Letters Patent to prefer this
Honble Court the Memorandum of Grounds of Appeal, against the order
dated 27-06-2022 passed by this Court in W.P(MD).No.20494 of 2021.

For Appellant(s):Mr.Veerakathiravan, AAG, assisted by
Mr.S.R.A.Ramachandran, AGP

For R1 :Mr.K.Jeyamohan

For R3 :Mr.K.Muraleedharan

W.A(MD)No.1036 of 2023

The District Revenue Officer,
Trichy District, Trichy.

...Appellant/2nd
Respondent

Vs

1 S.Karunakaran,

...1st Respondent/Writ
Petitioner

2 Bharat Petroleum Corporation



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Limited,, Trichy Retail Territory, 1st Floor,
Raj Towers, Karur Bye Pass Road,
Trichy 620 002.

...2nd Respondent/1st
Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer this Memorandum of Grounds of Writ Appeal against the order dated 01.11.2022 passed by this Court in W.P.(MD). No. 23183 of 2022.

For Appellant(s):Mr.Veerakathiravan, AAG, assisted by

Mr.S.R.A.Ramachandran, AGP

For R1 :No appearance

For R2 :Mr.AR.L.Sundaresan, ASGI,
assisted by Mr.S.Natesh Raaja

W.A(MD)No.1858 of 2023

1 The State of Tamilnadu
Rep. by its Principal Secretary to Government,
Highways and Minor Ports Department,
Secretariat,
Chennai 9

2 The District Revenue Officer
Tenkasi,
Tenkasi District

3 The Divisional Engineer
Tamil Nadu Highways Department,
Tenkasi,
Tenkasi District.

...Appellants/Respondents
1,3&4

Vs

1 K.Syed Ali

...1st Respondent/Writ



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Petitioner

2.The Deputy General Manager,
Hindustan Petroleum Corporation Limited,
Madurai Retail Regional Office,
1st Floor, BSNL CMTS Bhavan,
70 Feet Road, Ellis Nagar,
Madurai-16.

...2nd Respondent/2nd
Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent praying to prefer this Memorandum of Grounds of Writ Appeal against the order passed by this Court in WP(MD)No.28195 of 2022, dated 29.03.2023.

For Appellant(s):Mr.Veerakathiravan, AAG, assisted by

Mr.S.R.A.Ramachandran, AGP

For R1

:Mr.A.Nawaz Khan

for M/s.Ajmal Associates

For R2

:Mr.K.Muraleedharan

W.P(MD)No.5590 of 2025

1 K.Gomathi Lakshmi

... Petitioner

Vs

1 The District Revenue Officer
Thanjavur.

2 The Divisional Engineer
Highways Department, Construction and
Maintenance, Panagal Building,
Thanjavur 613 001

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India



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praying this Court to issue a Writ of Mandamus directing the respondents 1 and 2 to grant No Objection Certificate to the petitioner for setting up of a new Petroleum Retail Outlet in Survey No. 37B/6 Marungulam Village Thanjavur Taluk and District.

For Petitioner :Mr.K.K.Senthil
For R1 & R2 :Mr.Veerakathiravan, AAG, assisted by
Mr.S.R.A.Ramachandran, AGP

W.P(MD)No.4969 of 2023

1 M.Ashokkumar ...Petitioner

Vs

1 The Joint Chief Controller of Explosive,
A and D Wing, Block 1-8,
Shastri Bhavan, No.26,
Handdows Road,
Nungambakkam,
Chennai 600 006

2 The District Collector
Karur District,
Karur

3 The District Revenue Officer
/ Additional District Magistrate,
Karur District,
Karur

4 The Divisional Engineers High ways,
(Construction and Maintenance), Karur
District, Karur

5 The Superintendent of Police
Karur District, Karur

6 The District Fire Officer
Karur District, Karur



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7 The Territory Manager Retail
Bharath Petroleum Corporation Limited,
Karur District,
Karur

8 Mr.Subbiah Lakshmanan,
S/o. Lakshmanan,
D.No,4/d1, China Andarkoil Road,
Gandhi Nagar West,
Karur 639 001.

***(R8 is Impleaded as Vide Court
Order Dated 17.07.2023 in W.M.P
(MD)No.7298 of 2923)***

Prayer: Writ Petition filed under Article 226 of Constitution of India raying this Court to issue of Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 3rd respondent made in no objection certificate in number R.Dis.No. D2/ 16144/2020 dated 03.10.2022 in favour of the 7th respondent and quash the same and consequently forbearing the respondent No.1 to 6 from issuing license permission and approval to the 7th respondent to setup and operate petroleum outlet for storage of petroleum products Class A-15 KL Class B-20KL in Survey No. 347/B5A of Thanthoni Village Karur District Karur.

For Petitioner	:Mr.P.Pandiarajan
For R1	:Mr.P.Paulpandi
For R2 to R4&R6	:Mr.Veerakathiravan, AAG, assisted by Mr.S.R.A.Ramachandran, AGP
For R5	:Mr.K.Gnanasekaran, G.A.,(Crl.side)
For R7	:Mr.AR.L.Sundaresan, ASGI, assisted by Mr.S.Natesh Raaja
For R8	:Mr.VR.Shanmuganathan
For R9 & R10	:M/s.Madhuri Donti Reddy



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COMMON JUDGMENT

(Judgment of the Court was delivered by DR.G.JAYACHANDRAN,J.)

The batch of writ appeals and the writ petitions centers around the issue of No Objection Certificate(NOC) by the Highways Department and the Revenue Department for commissioning the petrol and diesel outlets by the dealers appointed by the Oil Corporation.

2.The sum and substance of the case in short is that, the petroleum companies have appointed dealers for distribution of petroleum products after scrutinising their eligibility and the potential to run the business. After receipt of a letter of intent from the Oil Corporation, the dealers have approached the respective authorities to issue No Objection Certificate for the commission of their outlets. Their request were rejected either citing Indian Road Congress Guidelines 2009(in short IRC guideline) or the subsequent G.O passed by the Government of Tamil Nadu Highways and Minor Ports(H.N2) Department in G.O.Ms.No.25, dated 24.02.2022 or G.O.Ms.No.121, dated 12.04.2023. The dealers, being aggrieved, had approached the High Court invoking Article 226 either seeking writ of mandamus or writ of certiorarified mandamus as the case may be. Those writ petitions were allowed. Being aggrieved, the State has preferred the intra



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WEB COPY Court appeal in W.A(MD)Nos.1023 of 2022 and 306, 1023, 1413 and 1858 of 2023.

3.W.P(MD)No.5590 of 2025 is filed by the dealers seeking a writ of mandamus to direct the DRO and The Divisional Engineer, Highways Department, to issue No Objection Certificate on his pending application. Since the matter had already been pending before the Division Bench, the learned single Judge has directed to tag this writ petition along with the writ appeals dealing with the same subject matter. As a result, this writ petition in W.P(MD)No.5590 of 2025 is tagged along with the appeals.

4.The facts in writ petition W.P(MD)No.4969 of 2023 is slightly on a different footing. It is a case where 'No Objection Certificate' was issued in favour of the dealer Mr.Subbaiah Lakshmanaa by the District Revenue Officer. Challenging the same, the Public Interest Litigation filed citing that 'No Objection Certificate' to the dealer was issued without strict compliance of IRC guideline.

5.The point for consideration in all these cases is whether the Indian Road Congress Guidelines 12/2009 and the Government Order G.O.Ms.No.



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25, dated 24.02.2022 have strict force of law and mandatory or recommendatory in nature.

6.In ***Indian Oil Corporation Limited and Others -vs- Arti Devi Dangi and Another***, reported in **2016 (15) SCC 480**, the Hon'ble Supreme Court held that IRC Guidelines are mandatory. However, in a subsequent judgment, the Division Bench of this Court in W.P(MD)No.19218 of 2019 etc batch cases(Durairaj Venkatachalu -vs- Chief Secretary and Others), distinguished *Arti Devi Dangi case*, by pointing the State of Madhya Pradesh has adopted the IRC Guidelines and framed Rules and sub Rules. Therefore, insofar as the State of Madhya Pradesh, the guidelines of IRC has force of law, whereas in Tamil Nadu in the absence of any such Rules, the IRC Guidelines can only be recommendatory in nature but not mandatory in nature.

7.Earlier in Tamil Nadu prescribing minimum distance restrictions for establishing petroleum outlets, guidelines was issued through G.O.Ms.No. 256, dated 22.12.2015. After spate of judgments which has distinguished *Arti Devi Dangi's case* and directions issued by the Court, to issue “No Objection Certificate”, the distance restriction imposed in IRC Guidelines



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12/2009 was not able to be enforced. Hence, the Government of Tamil Nadu had thought it fit to issue Government Order in G.O.Ms.No.25 Highways and Minor Ports(HN.2) Department, dated 24.02.2022.

8.At this juncture, it is also appropriate to note that the threshold of distance prescribed for new outlets got slightly modified subsequent in G.O.Ms.No.121, dated 12.09.2023.

9.The contention of the learned Additional Advocate General appearing for the State is that, the Writ Court has allowed the writ petitions by quashing the rejection order and had directed the RDO to issue No Objection Certificate. It has miserably failed to properly appreciating the object behind the distance regulation and the power conferred on the State to regulate trade in petroleum products. The impugned order passed by the Writ Court suffers from improper appreciation of the judgment rendered by the Hon'ble Supreme Court in *Arti Devi Dangi's case*. On an mistaken impression that the distance restriction recommended by the IRC is only to petroleum outlets established on urban Highways and not on other roads, the writ Courts have allowed the writ petitions filed by the dealers. Nonetheless, in exercise of power under Article 166 of the Constitution to regulate the



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petroleum trade in tune with the provisions of Petroleum Act and Rules framed thereunder the Government Orders were issued. The distance restrictions cannot be ignored compromising the road safety and public interest.

10.Per contra, the learned counsel appearing for the dealers/respondents in the appeals filed by the State contended that neither IRC Guidelines nor the subsequent G.O.No.25, dated 24.02.2022 and G.O.Ms.No.121 dated 12.09.2023 issued by the Government of Tamil Nadu, can be equated with Rules or sub-Rules. Reading of G.O.Ms.No.25, dated 24.02.2022 it would clearly show that it is only a replica of the IRC Guidelines and the source for exercising power to issue G.O., not mentioned in the said G.Os. Therefore, the catena of judgments rendered by the Court distinguishing *Arti Devi Dangi's case* to be uniformly followed.

11.Further, some of the learned counsels appearing for the dealers submitted that the application for dealership was made during the year 2015. The letter of intent was issued by the oil Company prior to the issuance of G.O.Ms.No.25 dated 24.02.2022. Therefore, the application for NOC ought to have been considered as per law prevailing guidelines, particularly,



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without enforcing IRC Guidelines as mandatory. Whereas the NOC applications were rejected either following the IRC Guidelines which is only a recommendatory in nature or citing G.O.Ms.No.25 issued by the Government issued on 24.02.2022 which has no backing of legislation.

12.Since the question under consideration concerns about the public safety of road users qua the right of trade in petroleum product, it is necessary to trace the background for the issuance of the guidelines by IRC and the consequential Government orders, regulations, and circulars regarding the safety distance prescribed for granting NOC for the installation of petroleum retail outlets.

13.Section 4 of the Petroleum Act, 1934 empowers Central Government to make rules for the import, transport and storage of petroleum. In exercise of power conferred under the said Act, the Petroleum Rules,2002 were framed. Chapter VII, which deals with grant of licenses, the Rule 144(1) speaks about the 'No Objection Certificate' (NOC) for grant of license. As per the rules, for storage of petroleum and distribution in retail, NOC from the District Authority is mandatory. The NOC of the District Authority shall be in the proforma specified in Sub-Rule (7) of Rule 144.



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Whereas, Sub-Rule (5) cast a duty on the District Authority to complete the action for issue or refusal of the NOC, as expeditiously as possible, but not later than 3 months from the date of receipt of application. NOC certificate issued by the District Authority is valid for three years for consideration by the Licensing Authority.

14.Part-A of the First Schedule in the Petroleum Rules 2002 tabulates the Form of license, purpose for which license granted, authority empowered to grant license and fees. Article 5 in that table, is in respect of license to store petroleum in tank or tanks, in connection with pump outfit for fuelling motor conveyances. The license in Form XIV to be issued by the Controller authorized in this behalf by the Chief Controller. Reading of Form XIV which is the license for retail outfits for petroleum, we find as many as 24 conditions prescribed for the licensee. Condition 8 in Form XIV prescribes safety distance between two storage tanks of different class of petroleum and between tank and unloading points. Whereas, in Form XV under the Rules meant for the license to import and store petroleum in an installation, the condition 10(a) and tables 1 and 2 thereat prescribes the safety distances to be observed by the licensee.



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WEB COPY 15. That apart, the Government of India through Petroleum and Explosive Safety Organisation(PESO) time to time had issued SOP, Guidelines and Circulars which touch upon the safety distance for establishment of Petroleum retail outlets.

16. The Indian Roads Congress (IRC) is the premier body of Highways Engineers set up in the year 1934. In tune with its Principal objectives to provide suggestions and recommendations on matters concerned with the construction and maintenance of highways and matters relating to roads and road transport had in view of the increased speed of vehicles and for road safety due to greater development of Highways road network under various schemes had framed, the Indian Road Congress (IRC) norms 12/2009 for location, layout and access to fuel stations along the National Highways, State Highways, Major District Roads and Rural Roads in plain, rolling and hilly terrain passing through rural and urban stretches including town and cities.

17. Some of the States like Madhyapradesh had brought the guidelines of IRC 12/2009 as part of the Rules and some States like Tamil Nadu had issued Government Orders directing the District Authority to follow the



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18.In **Indian Oil Corporation Ltd., and Others –vs – Arti Devi Dangi and Another**, cited supra, the question arose whether the Indian Oil Corporation can insist on adherence to the IRC Guidelines in the absence of any specific reference in the tender notification about the distance threshold / restrictions mentioned in the IRC guidelines. In that contest, the Hon'ble Supreme Court held as under:-

“5. From the proceedings of the selection which shows the manner in which the cases of the respondent-writ petitioners were considered, which proceedings are on the record of the case, it is clear and evident that even at the very initial stage of consideration of the cases of the respondents, it is the requirements spelt out under the IRC Guidelines that were taken into account to hold that the respondents do not fulfil the eligibility criteria prescribed by the tender conditions. The respondent-writ petitioner Arti Devi Dangi was found not to have satisfied the particular eligibility criteria as the land offered by her was situated at a distance of 26 m away from the intersection on the road whereas in the case of Mohan Singh Parmar the distance was found to be about 600 m. The IRC Guidelines stipulated that in urban areas where the station is to be located along the State/National Highways the distance should be 1000 m and in case of rural areas the distance should be 300m.



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6.Though an argument has been sought to be made on behalf of the respondent Mohan Singh Parmar that the location of the station for which he had tendered is in an urban area and a certificate in support of the said claim has been relied upon, we do not find the aforesaid stand to be substantiated by the certificate [issued by the Municipal Council, Pankhedi (Kalapipal) District Shajapur which has been placed on record of the present appeal inasmuch as the same only indicates that the volume of traffic on the road (about 300 vehicles).

7.If the clauses in the advertisement required a tenderer to fulfil all requirements under the rules and sub-rules of PWD and if what was suggested/recommended by IRC has been adopted by the State PWD and the said norms are in the interest of public safety and would facilitate smooth movement of traffic, it will be difficult to hold that the rules and sub-rules of PWD contemplated in the advertisement do not embrace the IRC Guidelines either because there was no specific mention thereof in the tender documents or the same do not have a statutory flavour. We, therefore, hold that the fulfilment of the requirements spelt out by the IRC Guidelines relevant to the present cases to be a mandatory requirement of the tender conditions. Coupled with the above what we find is that the action of the appellant Corporation cannot be said to be either arbitrary or unreasonable inasmuch as a uniform standard has been applied to all the applicants and in the present two appeals in question no candidate has been found to be eligible upon application of the said uniform standard i.e. the IRC norms. The



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action of the appellant Corporation, therefore, not being in any manner arbitrary or unreasonable the power of judicial review vested in the High Court ought to have been exercised with due circumspection.

8.A perusal of the orders of the High Court indicates that the only basis on which the decision of the appellant Corporation has been faulted with is that the IRC Guidelines are not mandatory. We fail to see how such a view can be sustained keeping in mind the provisions of the advertisement quoted above. the purport and object of the said norms; the uniform application of the same to all the tenderers by the appellant Corporation and above all the requirements of public interest.”

19.After Arthi's judgment, the Courts in India following the dictum laid in *Arti Devi Dangi case*, as law declared under Article 141 of the Constitution, upheld decisions of the District Authorities declining NOC for non adherence of the IRC guidelines. One such judgment by a Division Bench of this Court is in W.P.No.691 of 2017 dated 18.01.2019. In the said judgement, this Court made the following observations:-

"The writ petition was filed by the petitioner in Public Interest for seeking a direction to the respondents to comply with the guidelines contained in the Indian Road Congress (IRC) Circular No. 12/2009 for the issuance of No Objection Certificate for site approvals of Road-side Petroleum outlets by Oil



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2.The petitioner has also filed a memo in this court today along with Exhibit 2 viz., Memo No 4751/Contracts-1/2018, dated 5.4.2018 in which the Chief Engineer of construction and Maintenance of Highways Department of the State has clarified that for issuance of No Objection Certificate for Road side Petroleum Retail Outlets by Oil Marketing Companies (OMCS) or any other Agency in respect of Government Highways Roads (i.e.,) State Highways, State Highways Urban, Major District Roads, Other District Roads, Other District Roads (Sugarcane Roads), the guidelines issued by IRC 12-2009 shall be strictly followed for passing orders. The earlier Circular issued vide Exhibit 1 dated 5.4.2018 itself gave the guidelines only for the Government Highways not including he other District Roads, etc.

3.Since a clarification has been issued by the Department concerned, the prayer made in the writ. Since a clarification has been issued by the petition stands granted by the respondent. Therefore we are of the view that no further direction is necessary in the present PIL writ petition. Accordingly, it is closed. No order as to costs. The connected miscellaneous petition is also closed."

20.Whileso, when notification by the Oil Corporations like BP, IOC and HP inviting applications for appointing dealers in Tamil Nadu was advertised in dailies, same came to be challenged by **Durairaj**



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Venkatachalam -vs- The Additional Chief Secretary, and others, in ***W.P(MD)Nos.19218 of 2019***, as a public interest litigation. Few more joined him and all those petitions were taken up together as a batch and common order was passed on 17.10.2019. In this order, the Division Bench of this Court made a deviation and held that the guidelines of IRC is only recommendatory in nature and does not carry the force of law. Unless those guidelines are incorporated in the relevant Rules, the distance threshold is only recommendatory. The relevant portion of the judgement is extracted below:-

“42. No doubt, the Indian Roads Congress is a multi-member body with experts in the field. The introductory passage of the 2009 guidelines, namely, IRC:12-2009, states that the Ministry of Shipping, Road Transport and Highways revised substantially the norms for location, layout and access to fuel stations along the National Highways keeping in view the increased speed of vehicles and greater need for road safety due to development of National Highways network and the norms were circulated in October, 2003. Subsequently, the Transport Planning, Traffic Engineering and Road Safety Committee decided that the draft for the revised standard might be updated by incorporating the present guidelines and accordingly, the Council approved the 2009 guidelines in its meeting.

44. The Indian Roads Congress, Multi-Member Body, consists of Experts, have framed these guidelines from time to



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time. Their recommendations have to fructify into statutory notifications or orders or by suitable amendment to the legislation. Until the recommendations fructify into anyone of these, they continue to remain as guidelines and are to be interpreted as recommendatory and not mandatory. The Experts have made a suggestion with laudable intentions and the ultimate reason for doing so is to ensure safe road traffic. Therefore, the respondents would not be justified in refusing to look into the guidelines.

45.....There should be a statutory duty cast upon the respondents to do a particular act. Upon failure, the arms of this Court are long enough to command to do that duty. In the instant case, the petitioner seeks for a direction from us to compel a Statutory Authority, namely, the State or the Central Government Authority and the Oil Corporations to follow a procedure, which is in the nature of the guidelines framed by an Expert Body and published in the year 2009. Therefore, in the facts of the present case, no direction can be issued to compel the respondents to adopt the guidelines of the Indian Roads Congress in its entirety.

47. It is no doubt true that sufficient thought process has gone into before framing 2009 guidelines. However, we are not experts to state that the guidelines are far superior than the statutory provisions or the statutory provisions are far superior than the guidelines. Admittedly, ten years have passed by, after the guidelines were published. There have been various developments in the country insofar as road infrastructure is concerned. Several methodologies have been adopted by the both



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State Highways and National Highways Authority of India.

Therefore, we are of the clear view that no direction can be issued to the respondents by compelling them to follow the guidelines of the Indian Roads Congress published in the year 2009.

48. In the case of [Arti Devi Dangi](#) (supra), the question was whether the insistence by the Indian Oil Corporation Limited on adherence to the Indian Roads Congress (IRC) Guidelines requiring maintenance of specific distance between the proposed retail outlet and the median of the road was correct in view of the fact that in the advertisement and the brochure there was no specific reference to the said guidelines and no specific mention was made that the same would have to be complied with by a tenderer. The Honourable Supreme Court noted that the IRC Guidelines have been adopted by the PWD, Madhya Pradesh and therefore, it was argued by the Indian Oil Corporation Limited that the respondents ought to have verified all such requirements that the rules and sub-rules of PWD stipulate including the requirements spelt out under the IRC Guidelines.

50. In our considered view, the decision in the case of [Arti Devi Dangi](#) (supra), at the first instance appears to hold that the IRC Guidelines are in effect mandate. However, on a closure reading of the decision, one important fact, which should not be lost sight of was that in the said case, the proposed retail outlet was to be located in the State of Madhya Pradesh and the Public Works Department of Madhya Pradesh have adopted the IRC Guidelines and they have framed rules and sub-rules. These rules



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and sub- rules were binding on the applicant. In such circumstances, the Honourable Supreme Court held that though the tender notification did not expressly spell out the requirements to comply with the IRC Guidelines, the same having been adopted by the State Pubic Works Department, the applicant cannot state that the compliance of such condition was not an essential condition of tender.

21. After this Judgment, the Government of Tamil Nadu had thought fit to issue G.O.25 dated 24.02.2022 which reads as under:-

“ORDER:

In the letters read above, the Chief Engineer (Construction & Maintenance), Highways Department has furnished a proposal for Guidelines / Norms to issue NOC for Highways Department in Tamil Nadu and requested the Government to issue the setting up of road side Petroleum Retail Outlets alongside SH/MDR/ODR roads under guidelines / norms for issue of No Objection Certificate / access permission to fuel stations (Petrol/Diesel retail outlets, Gas retail outlets, Electrical Vehicle (EV) Charging stations and biofuel pumps with or without Rest Area Amenities etc.) along sides of roads maintained by Tamil Nadu Highways Department.

2. The Government after careful examination of the proposal of the Chief Engineer (Construction & Maintenance), Highways Department issue the following guidelines/norms as criteria for



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WEB COPY *issuing No Objection Certificate (NOC) / access permissions to
fuel stations (Petrol/Diesel retail outlets, Gas retail outlets,
Electrical Vehicle (EV) Charging stations and biofuel pumps with
or without Rest Area Amenities etc.) alongside SHs/MDRs/ODRs
maintained by Tamil Nadu Highways Department.*

S.No.	Distance Norms	Norms Applicable (in meters)
NON-URBAN(Rural) STRETCHES:PLAIN AND ROLLING TERRAIN		
1.	Intersection with Shs/MDRs/ODRs	300(SHs) 200(MDRs/ODRs)
NON-URBAN(Rural) STRETCHES:HILLY/MOUNTAINOUS TERRAIN		
2	Intersection with any category of road (Irrespective of carriageway width)	100
URBAN STRETCHES:PLAIN AND ROLING/HILLY/MOUNTAINOUS TERRAIN		
3.	Intersection with any category of road (Irrespective of carriageway width)	100
GENERAL CRITERIA		
4.	Any barrier including that of Toll Plaza and Railway Level Crossing	500
5.	Distance from the start of approach road of ROB	200
6.	Start of approach road of Grade Separator/Flyover	300
7.	Distance between two fuel stations	Rural/Urban/Hilly 300 (Shs) 200 (MDRs/ODRs) (Both undivided and divided c/w)
8.	Acceleration/Deceleration Lane	Rural 100(acceleration) 70(deceleration) Urban/Hilly: Dispensed with
9.	Size of plot	35 x 35(Rural) 20 x 20(Urban/Hilly)

Except these modifications all other provisions of IRC:12-2016



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*will remain applicable. The Highway Authority will be as defined
in the tamil Nadu Highways Act, 2001.”*

22.The above GO, was later amended making minor change through
G.O Ms 121 dated 12/09/2023. The amended GO reads as below:-

“ORDER

*In the Government order first read above, orders have
been issued for the guidelines/norms for issuing No Objection
Certificato (NOC) / access permissions to fuel stations
(Petrol/Diesel retail outlets, Gas retail outlets, Electrical Vehicle
(EV) charging MDRS/ODRs maintained by Tamil Nadu
Highways Department.*

*2.The Chief Engineer (Construction and Maintenance),
Highways Department in his and email dated 03.05.2023
requested the Government to consider relaxation to certain
considering the process of expansion of petroleum outlet network.
eral Manager (RS) and Divisional Sales Head of IOCL, Chennai
have been consulted in this regard, and accordingly, they have
submitted their request for consideration, vide Letter dated
15.06.2023. Based on the above representation, the Chief
Engineer (Construction and Maintenance) has requested the
Government to Consider to issue requisite amendment to the
guidelines issued vide G.O. (Ms) No. 25, highways and Minor
Ports (HN2) Department, dated 24.02.2022, in the criteria for
Issuing NOC/access permissions to fuel stations (Petrol/Diesel*



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Retail Outlets, Gas Retail Outlets, Electrical Vehicle (EV) charging stations and bio fuel pumps with or without Rest Area Amenities etc.) alongside SHs/MDRS/ODRs maintained by Tamil Nadu Highways Department.

3. Based on the proposal of the Chief Engineer (Construction and Maintenance), Highways Department above, the following amendment is issued to para 2 of the G.O. first read above.

AMENDMENT

In para 2 of the G.O. first read above, the following modification is issued in the critferta only in respect of ODRs for issuing No Objection Certificate(NOC)/access permissions to fuel stations (Petrol/Diesel Retail Outlets, Gas Retail Outlets, Electrical Vehicle (EV) charging stations and biofuel pumps with or without Rest Ares Amenities, etc) alongside SH?/MDR/ODRs maintained by Tamil Nadu Highways Department

S.No.	Distance Norms	As per G.O. (Ms)No.25, dt. 24.02.2022(in Meters)	Relaxation sought By IOCL (in Meters)	Decision of BOE (182)(in Meters)
NON-URBAN (Rural) STRETCHES: PLAIN AND ROLLING TERRAIN				
1.	Intersection with Shs/MDR/ODR	300 (SHs) 200 (MDRs/ODRs)	- 100 (MDRs/ODRs)	No change for SHs and MDRs 100(ODR)
URBAN STRETCHES:PLAIN AND ROLLING/HILLY/MOUNTAINOUS TERRAIN				



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2.	Intersection with any category of road(irrespective of carriageway width)	100	Dispensation	No change
3.	Distance between two fuel stations	<u>Rural/Urban/Hilly:</u> 300(SHs) 200 (MDRs/ODRs) (Both undivided and divided carriageway)	<u>Rural:</u> 100 (MDRs/ODRs) Urban Dispensation	<u>Rural/Urban/Hilly</u> No change for SHs and MDRs 100(ODR) (Both undivided and divided carriageway)
4.	Acceleration/Deceleration lane	<u>Rural:</u> 100 (acceleration) 70(deceleration) <u>Urban/Hilly</u> Dispensed with	Rural SH Provision of ADL wherever ROW is available MDR/ODR Provision of angular entry/exit with paver/bituminous surface. Speed brakers and signages will be installed before the entry and exit	Rural: SH/MDR No change for Shs/MDRs ODR Provision of angular entry/exit with paver/bituminous surface beyond roadway and up to the plot. Speed brakers and signages should be installed before the entry and exit
5.	Size of Plot	35 x 35(Rural) 20 x 20 (Urban/Hilly)	Rural: MDR/ODR 25 x 25	No change



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WEB COPY 23. The legal and factual matrix stated above leads to the irresistible conclusion that the recommendation and guideline of IRC 12/2009, though it was not made as a Rule in some States including Tamil Nadu, those guidelines cannot be brushed aside on the ground that it has no legal force. IRC is a technical body recognised even prior to independence. Its recommendation and guidelines matters to ensure road safety. The Petroleum Act and Rules, envisage that no outlet can be installed without clearance from the District Authority and other agencies mentioned. No doubt legally speaking IRC guidelines cannot be treated par with subordinate legislation only to that extent, we have no second opinion over the observations made by the Division Bench in the batch of writ petitions in ***W.P(MD)No.19218 of 2019(Durairaj Venkatachalam -vs- Additional Chief Secretary)***. However, the Revenue Authority, while scrutinising the application for grant of No Objection Certificate, cannot issue No Objection Certificate ignoring the guidelines of IRC. More so, when the Government Order has been passed in exercise of power under Article 166 of the Constitution to bridge the vacuum. Hence, after issuance of G.O., reasoning to ignore IRC guidelines stands erased.



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WEB COPY 24.The comparative chart in respect of the distance threshold of the cases under consideration annexed to the judgment discloses the ground reality(Annexure-A).

25.The learned counsels appearing for the retailers contended that the outlets proposed to be established are on rural roads. Therefore, IRC guidelines will not apply. In one of the cases, the learned Single Judge has also accepted that IRC guidelines is only for Highways. On reading of IRC guidelines, we find it is not confined to highways alone. In fact 4.5.1 of the IRC Guidelines 12/2009 deals with Non – urban(Rural) Stretches encompasses the plain and rolling terrain, intersection with Nhs/SHs/MDRs/City Roads, intersection with Rural Roads/approach roads to private and Hilly/Mountainous Terrain and public properties and 4.5.2 deals with Urban Stretches, urban area with population of more than 20,000 and less than one lakh, intersection with any category of roads of carriageway width of 3.5 m and above, intersection with roads of carriageway width of less than 3.5 m, intersection with any category of road (irrespective of carriageway width).



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WEB COPY 26. So, the writ petitions which are allowed on misunderstanding that guidelines only applies to highways need to be interfered. Similarly, the writ petition directing to issue NOC to the applicants ignoring the IRC guidelines and the subsequent G.O passed on 07.07.2022, also to be interfered.

27. In some cases the applications for NOC was prior to the date G.O. Ms.No.25, ie., 07.07.2022. Counsels therefore represented that their applications ought to have been considered based on the Rules and Guidelines existing on the date of letter of intent and not the date of applications. This submission also to be rejected because the application for NOC has to be taken up for consideration as per Rule 144 of Petroleum Rules. NOC is issued only on applications with all necessary particulars. The rule mandates the District Authority to consider the application within a period of three months as per Rule 144(5) of the Act, and this NOC will be valid for next three years from the date of issuance of NOC. On the date of application, if the District Authority has found that there is shortage of compliance regarding the distance threshold as envisaged in IRC Guidelines, he had the discretion to relax it upon inspection, in cases he is satisfied that the relaxation of the distance restriction will not cause any endanger to the safety of the road users. This leeway was available only till the passing of



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G.O.Ms.No.25 dated 24.02.2022. After passing of G.O.25, the guidelines incorporated through the executive order will have the force of law and it is no more directory but it is mandatory. Therefore, Writ Appeals and the Writ Petitions are disposed of with the following directions.

(i)For considering the issuance of NOC, the date of application is the criteria and not the date of letter of intent issued by the Oil Corporation. If the application for NOC considered and refused citing IRC guidelines same need no interference. IRC Guidelines though not be mandatory, it cannot be ignored while considering the applications for NOC. Retailers has to make fresh application who are the writ petitioners in W.P(MD)Nos.166637 of 2022, 20494 of 2021, 19632 of 2021, 23183 and 28195 of 2022.

(ii)The retailers are permitted to submit fresh application for No Objection Certificate(NOC), if they are otherwise eligible.

(iii)On receipt of such applications, the District Authority shall consider and pass appropriate orders, in the light of the amended G.O.Ms.No.121, dated 12.09.2023 within 30 days from the date of receipt of the application.

(iv)In respect of W.P(MD)No.5590 of 2025, the petitioner has not eligible for NOC in view of G.O.121 and the same is explicitly mentioned in the order of refusal.



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WEB COPY(v)License granted based on NOC issued prior to 25.02.2022 to remain undisturbed.

28.In the result:

(i)W.A(MD)No.1413 of 2023: The writ appeal in W.A(MD)No.1413 of 2023 directed against the writ petition in W.P(MD)No.16637 of 2022. The writ petitioner, in this case one K.Kaleeswari, filed Writ of Certiorarified Mandamus to quash the order of the DRO dated 26.06.2020 rejecting the NOC granted to her earlier for establishing petroleum outlet on the ground that the location of the proposed petroleum outlet is not in accordance to the Indian Road Congress 12/2009 norms. Earlier this writ petitioner filed W.P(MD)No.19145 of 2021 and the same was dismissed citing pendency of the writ appeal before the Division Bench. Prior to this, being aggrieved, by refusal to give NOC by the Highways Department citing IRC 12/2009 norms had approached Human Rights Commission and got a favourable order. The order of State Human Rights Commission challenged by way of writ petition in W.P(MD)No.20240 of 2021 by the Government and the order of the Human Rights Commission was stayed by the Division Bench. While fact being so, the writ petition in W.P(MD)No.16637 of 2022, which is the subject matter of the present Writ Appeal in W.A(MD)No.1413 of 2023.



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Since in this case NOC application rejected following IRC Guidelines, the writ petitioner had to make fresh application and the same to be considered in the light of G.O.Ms.No.121.

(ii)W.A(MD)No.1023 of 2022: This writ appeal is directed against the order dated 27.06.2022 passed in W.P(MD)No.20494 of 2021. The writ petitioners, in this case, filed Writ of Certiorari and Mandamus to quash the order of the Divisional Engineer, Tenkasi, dated 13.08.2021 rejecting the NOC by citing Indian Road Congress 12/2009 norms. While fact being so, the writ petition in W.P(MD)No.20494 of 2021, which is the subject matter of the present Writ Appeal. In this case, the order impugned was passed on 27.06.2022, ie subsequent to G.O.Ms.No.25 dated 24.02.2022. Hence, the order dated 27.06.2022 passed in W.P(MD)No.20494 of 2021 is set aside and the writ appeal stands allowed. The writ petitioner is permitted to make fresh application and the same to be considered in the light of G.O.121.

(iii)W.A(MD)No.306 of 2023: The writ appeal in W.A(MD)No.306 of 2023 directed against the writ petition in W.P(MD)No.19632 of 2021. The writ petitioner, in this case U.Chakaravarthy, filed Writ of Mandamus to direct the respondents to grant NOC based on his application. The prayer was allowed by the writ Court directing the third respondent DRO to issue NOC. This order was passed on 18.07.2021, ie subsequent to G.O.Ms.No.25 dated



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24.02.2022. Hence, the order dated 18.07.2021 passed in W.P(MD)No.19632 of 2021 is set aside and the writ appeal stands allowed. The writ petitioner is permitted to make fresh application for NOC and the same to be considered in the light of G.O.121.

(iv)W.A(MD)No.1036 of 2023:This writ appeal in W.A(MD)No.1036 of 2023 directed against the writ petition in W.P(MD)No.23183 of 2022. The writ petitioner, in this case S.Karunakaran, filed Writ of Certiorarified Mandamus to quash the order of the DRO dated 14.06.2022 rejecting the application for NOC. The writ petition in W.P(MD)No.23183 of 2022, was allowed by the writ Court directing the second respondent DRO to issue NOC. This order was passed on 01.11.2022, ie subsequent to G.O.Ms.No.25 dated 24.02.2022. Hence, the order dated 01.11.2022 passed in W.P(MD)No. 23183 of 2022 is set aside and the writ appeal stands allowed. The writ petitioner is permitted to make fresh application for grant of NOC and the same to be considered in the light of G.O.121.

(v)W.A(MD)No.1858 of 2023:This writ appeal in W.A(MD)No.1858 of 2023 directed against the writ petition in W.P(MD)No.28195 of 2022. The writ petitioner, in this case K.Syed Ali, filed Writ of Certiorarified Mandamus to quash the order of the Divisional Engineer, Tenkasi, dated 29.11.2022 rejecting the NOC. The writ petition in W.P(MD)No.28195 of



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2022, which is the subject matter of the present writ appeal, was allowed by the writ Court directing the third respondent DRO to issue NOC. This order was passed on 29.03.2023, ie subsequent to G.O.Ms.No.25 dated 24.02.2022. Hence, the order dated 29.03.2023 passed in W.P(MD)No.28195 of 2022 is set aside and the writ appeal stands allowed. The writ petitioner is permitted to make fresh application for NOC and the same to be considered in the light of G.O.121.

(vi)W.P(MD)No.5590 of 2025: This Writ Petition is filed by K.Gomathi Lakshmi, seeking mandamus to direct the District Revenue Officer, Thanjavur and the Divisional Engineer, Highways Department, Thanjavur, to grant NOC for setting up a new petroleum retail outlet in Survey No.37B/6, Marungulam Village, Thanajvur Taluk. The petitioner has sought for NOC for establishing the petroleum retail outlet on the basis of letter of intent issued by Nayara Energy. The second respondent, the Divisional Engineer, Thanajvur has declined to grant NOC citing G.O.Ms.No.121, Highways and Minor Ports(HN.2), Department, dated 12.09.2023. Being aggrieved, the present writ petition is filed to issue NOC without insisting on compliance of G.O.Ms.No.121. The prayer sought for in the writ petition is deserve to be dismissed, since the application for seeking NOC filed subsequent to the issuance of G.O.Ms.No.25 dated 24.02.2022, it was later modified by



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G.O.Ms.No.121. Accordingly, this Writ Petition stands dismissed. Insofar as W.P.(MD)No.4969 of 2023 or cases of similar facts, if the license already granted prior to 24.02.2022 based on NOC issued, same need not be interfered. If NOC issued prior to 24.02.2022, but license issued after 24.02.2022, the appropriate authority shall re-examine the viability of the license granted and take necessary decision. If the license is not yet granted, it is for the appropriate authority to examine whether the applicant satisfies the rigor of G.O.Ms.No.121, dated 12.09.2023. No costs. Consequently, connected miscellaneous petitions are closed.

**[G.J., J.] & [K.K.R.K., J.]
26.02.2026**

Index :Yes/No
Internet :Yes
Ns

To

- 1 The State of Tamil Nadu,
Rep. by Principal Secretary to Government,
Highways and Minor Ports Department,
Secretariat, Fort.St.George,
Chennai - 600 009.
- 2 The District Revenue Officer,
Tenkasi District, Tenkasi.
- 3 The Divisional Engineer,
Highways (C and M),
Tenkasi District.



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W.P(MD)No.4969 of 2023, 5590 of 2025*

DR.G. JAYACHANDRAN, J.
AND
K.K. RAMAKRISHNAN, J.

Ns

**WA(MD)Nos.1413 of 2023, 1023 of 2022, 306, 1036, 1858,
W.P(MD)No.4969 of 2023 and 5590 of 2025
and
C.M.P(MD)Nos.11013,3484 of 2023, 8240 of 2022, 7892, 14212 of 2023
and W.M.P(MD)Nos.4634, 4635, 4636, 7298, 8315, 23421 of 2023, 7734
and 9889 of 2024**

26.02.2026