



W.P.(MD) Nos.29723 and 32723 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD) Nos.29723 and 32723 of 2025

and

W.M.P.(MD)Nos.22986, 22988, 22989, 25810 and 25811 of 2025

W.P.(MD)No.29723 of 2025:-

Manomaya Energy,
Represented by its Manager,
Manikandan, S/o.Baskaran,
D.No.2/971, Survey No.68/1B1A,
Sozhapuram Village,
Sivagangai.

... Petitioner

Vs.

- 1.The Union of India,
Represented by its Secretary,
Ministry of Road Transport and Highways,
Transport Bhawan,
Parliament Street, New Delhi.
- 2.Joint Chief Controller of Explosive,
Petroleum and Explosives Safety Organization (PESO),
A and B Wing, Block 1- 8, 2nd Floor,
Shastri Bhavan,
26, Haddous Road,
Nungambakkam, Chennai.
- 3.District Revenue Officer,
District Collectorate,
Sivagangai District.



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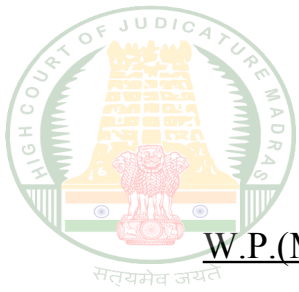
4.The Indian Oil Corporation Limited,
Madurai Divisional Office,
Represented by its Chief Divisional Retail Sales Manager,
Door No.2, Race Course Road,
Chokkikulam, Madurai – 625 0002.

5.Mahalingam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent pertaining to the Circular in No.RW-NH-33032/01/2017 dated 26.06.2020 insofar as Appendix – 1, Clause 2.2, Serial No.6 is concerned and quash the same and consequently, forbear the fourth respondent from granting permission for establishment of New Fuel Station in Survey No.67/3B and 4B Solapuram Village, Sivagangai Taluk and District.

For Petitioner	: Mr.P.Valliappan Senior Counsel for Mr.N.Jeyaram Sidharth
For R1 and R2	: Mr.K.Govindarajan Deputy Solicitor General of India
For R3	: Mr.R.Parthiban Standing Counsel
For R4	: Mr.Rameez Ajmalkhan for Mr.M.Mahaboob Athiff
For R5	: Mr.S.Srinivasa Raghavan for Mr.C.Prithiviraj



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Represented by its Manager,
Manikandan, S/o.Baskaran,
D.No.2/971, Survey No.68/1B1A,
Sozhapuram Village,
Sivagangai.

... Petitioner

Vs.

1.The District Revenue Officer,
District Collectorate,
Sivagangai District.

2.Mahalingam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records of the first respondent pertaining to NOC in No.K.Dis.D2/12931/2024 dated 04.06.2025 in favour of the second respondent and quash the same as illegal.

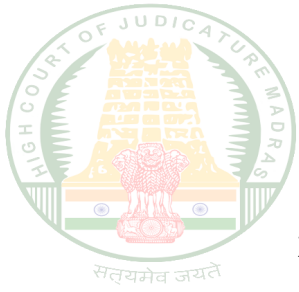
For Petitioner : Mr.P.Valliappan
Senior Counsel
for Mr.N.Jeyaram Sidharth

For R1 : Mr.R.Parthiban
Standing Counsel

For R2 : Mr.S.Srinivasa Raghavan
for Mr.C.Prithiviraj

COMMON ORDER

These two writ petitions are connected and, therefore, are taken up together and disposed of by this common order.



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2. W.P.(MD)No.29723 of 2025 has been filed challenging the Circular of the first respondent dated 26.06.2020, insofar as it relates to Appendix-I, Clause 2.2, Serial No.6, and seeking to quash the same. A consequential relief is also sought to forbear the fourth respondent from granting permission for the establishment of a new fuel station in Survey Nos.67/3B and 67/4B, Sozhapuram Village, Sivagangai Taluk and District.

3. The learned Senior Counsel appearing for the petitioner submitted that the petitioner is already engaged in the retail sale of petroleum products through a fuel station situated in Survey No.68/1B1A, Sozhapuram Village, Sivagangai Taluk, on the Thanjavur–Manamadurai Road.

4. According to the petitioner, the fifth respondent, namely, Mahalingam, proposed to establish another retail outlet at a distance of only 170 metres from the petitioner's outlet. The Circular dated 26.06.2020 generally prescribes a minimum distance of 300 metres between two fuel stations situated on an undivided carriageway. However, an exception is provided in cases where a service road exists, subject to



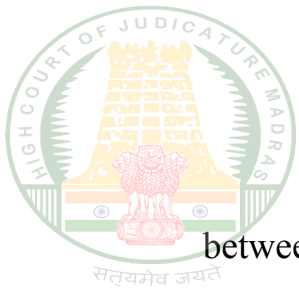
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the additional requirement of maintaining a minimum distance of seven metres between the fuel station and the road. According to the petitioner, the exception virtually defeats the object of the Circular and, therefore, the Circular itself was challenged.

5. During the pendency of the writ petition, a No Objection Certificate came to be issued in favour of the fifth respondent by proceedings dated 04.06.2025. Consequently, the petitioner filed W.P. (MD)No.32723 of 2025 challenging the said No Objection Certificate.

6. When the matter was taken up for hearing, learned Senior Counsel for the petitioner fairly submitted that, without pressing the challenge to the validity of the Circular, he would confine his arguments to the legality of the No Objection Certificate granted in favour of the fifth respondent.

7. It was contended that the exemption from the 300-metre criterion would apply only if a service road exists. According to the petitioner, no such service road is available at the location. It was further contended that the requirement of maintaining a minimum distance of seven metres



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between the fuel station and the road has also not been satisfied.

Therefore, even in terms of the Circular, the No Objection Certificate ought not to have been granted and the same is liable to be quashed.

8. Per contra, learned counsel appearing for the fourth respondent, namely the Indian Oil Corporation Limited, as well as learned counsel for the fifth respondent, submitted that the proposed location satisfies all applicable norms. They further contended that a rival dealer has no *locus standi* to challenge the siting of a retail outlet and relied upon the decision of this Court in **Nataraja Agencies v. The Secretary, Ministry of Petroleum and Natural Gas**¹. Accordingly, they submitted that the writ petitions themselves are not maintainable.

9. In the alternative, it was submitted that the 300-metre siting criterion contained in the Circular has subsequently been held by this Court to be directory in nature and not a mandatory requirement. Particular reliance was placed upon the decision in **M/s.G.P.R. Agencies v. The Executive Director-Retail SBU and others**², wherein it was held

¹ 2005 (1) CTC 394

² W.P.No.16583 of 2020, dated 28.01.2022



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that the said criterion cannot be rigidly enforced, especially at the instance of a rival dealer.

10. It was further submitted that there exists a service road at the location and that a distance of more than seven metres has been maintained between the proposed outlet and the main road. In support of the said contention, reliance was placed upon the site map produced along with the typed set of papers. Therefore, it was argued that the writ petitions are liable to be dismissed both on facts and in law.

11. I have considered the rival submissions and perused the materials placed on record.

12. As regards the 300-metre siting criterion, this Court finds that the same has already been held to be directory and not mandatory. Therefore, the petitioner cannot seek enforcement of the said requirement as an absolute condition. In the present case, the exemption is claimed on the ground that a service road exists and that the consequential requirement of maintaining a seven-metre distance from the road has also been complied with. The petitioner, however, disputes both these factual aspects.



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13. It is also seen that the competent authority, namely, the Petroleum and Explosives Safety Organisation (PESO), New Delhi, has subsequently granted the requisite licence in the prescribed form.

14. In such circumstances, this Court is of the view that the disputed questions of fact regarding the existence of a service road and compliance with the seven-metre requirement are matters that can appropriately be examined by the competent licensing authority itself.

15. Accordingly, these writ petitions are disposed of on the following terms:

(i) It is open to the petitioner to submit a representation to the Petroleum and Explosives Safety Organisation (PESO), New Delhi, raising all factual objections regarding the existence of the service road and compliance with the prescribed seven-metre distance requirement.

(ii) Upon receipt of such representation, the said authority shall conduct an enquiry, after affording an opportunity of hearing to the petitioner as well as the concerned respondents, and determine the disputed factual issues in accordance with law.



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(iii) Such exercise shall be completed and appropriate orders shall be passed within a period of twelve (12) weeks from the date of receipt of the petitioner's representation.

(iv) No costs. Consequently, the connected Miscellaneous Petitions are closed.

18.06.2026

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To

- 1.The Secretary,
Union of India,
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- 2.The Joint Chief Controller of Explosive,
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D.BHARATHA CHAKRAVARTHY, J.

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Common Order in
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18.06.2026