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Order QR

WP No. 2172 of 2024 & WP(MD) No.4126 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 01.10.2026

PRONOUNCED ON : 14.10.2026

CORAM

THE HON'BLE MR. SUSHRUT ARVIND DHARMADHIKARI,

CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE G.ARUL MURUGAN

WP No. 2172 of 2024

CNR: {HCMA010152672024}

and

WMP Nos.2346, 2348 of 2024

AND

WP(MD) No. 4126 of 2024

CNR: {HCMA010719772024}

and

WMP(MD) Nos.3974 & 3976 of 2024



Case QR



Case QR

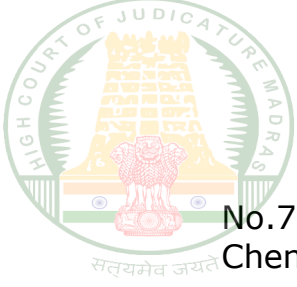
WP No. 2172 of 2024 :

R.Chandrasekar
S/o.Ramasamy,
No.8/48A, Chinna Milagu Parai,
Collector Office Road,
Tiruchirappalli-620 001

..Petitioner(s)

Vs

1. The Joint Chief Controller of Explosives,
Petroleum And Explosives Safety
Organisation (PESO), South Circle, Chennai,
No.26, Haddows Road, Nungambakkam,
Chennai-600 006.
2. The Member-Secretary
Tamil Nadu Pollution Control Board,



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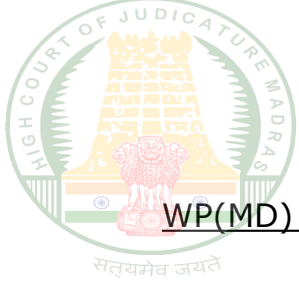
No.76, Mount Road, Guindy,
Chennai-600 032.

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3. The Regional Director
Central Pollution Control Board,
Regional Directorate (Chennai)
2nd FLOOR, 77-A South Avenue Road
Ambattur Industrial Estate,
Chennai-600 058.
4. The Commissioner of Police,
Trichy City Police Office,
Pudukkottai Main Road, Subramaniapuram,
Tiruchirappalli-620 020.
5. The Territory Manager (Retail)
Bharat Petroleum Corporation Ltd.,
First Floor, Raj Towers,
Near Kalaignar Arivalayam,
Karur Bye-pass Road,
Tiruchirappalli-620 002.

..Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus, calling for the records of the Prior Site Approval No.A/P/SC/TN/14/11646 (P546269) dated 26.05.2023 issued by the 1st respondent in favour of the 5th respondent and quash the same and consequently, direct the 1st to 4th respondents to conduct an enquiry and joint survey of the proposed site before issuing Final Explosive Licence to the 5th respondent to commission and operate the proposed road side New Petroleum-cum-CNG Retail Outlet on Major Saravanan Road at Town Survey No.2/4, K.Abishekapuram Village, Tiruchirappalli Taluk and District.



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WP(MD) No. 4126 of 2024:

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Sathish Kumar
S/o. Sundararaju,
No.8/48A, Chinna Milagu Parai,
Collector Office Road,
Tiruchirappalli-620 001.

..Petitioner(s)

Vs

1. The Commissioner of Police
Trichy City Police Office,
Pudukkottai Main Road,
Subramaniapuram,
Tiruchirappalli-620 020
2. The Joint Chief Environmental Engineer
Tamil Nadu Pollution Control Board,
No.25, Developed Plots, Thuvakudy,
Tiruchirappalli-620 015.
3. The Regional Director
Central Pollution Control Board,
Regional Directorate (Chennai),
2nd Floor, 77-A, South Avenue Road,
Ambattur Industrial Estate,
Chennai-600 058.
4. The Joint Chief Controller of Explosives
A and D wing, Block 1-8, 2nd Floor,
Shastri Bhavan, No.26, Haddows Road,
Nungambakkam, Chennai-600 006
5. The Territory Manager (Retail)
Bharat Petroleum Corporation Ltd.,
First Floor, Raj Towers, Near Kalaingar
Arivalayam, Karur bye-pass Road,
Tiruchirappalli-620 002.

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PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of certiorarified mandamus, calling for the



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records of the No Objection Certificate in C.No.M2/22210/2022 dated 09.01.2023 issued by the 1st respondent in favour of the 5th respondent and quash the same and consequently forbear the 4th respondent from issuing final explosive licence in Form XIV to the 5th respondent to commission and operate the new road side New Petroleum-cum-CNG Retail Outlet at T.S.No.2/4, K.Abhishekpuram Village, Tiruchirappalli Taluk and District.

For Petitioner(s)
in both cases :

Mr.N.L.Rajah, Senior Counsel
for Mr.K.Elango

For Respondent(s)
in W.A.2172/2024 :

Mr.V.T.Balaji for R1

R2 - No appearance

Mr.M.R.Gokul Krishnan for R3

Mr.N.Palanivel
Govt. Advocate (Crl. Side) for R4

Mr.AR.L.Sundaresan, ASG
Assisted by Mr.V.Anantha Natraj for R5

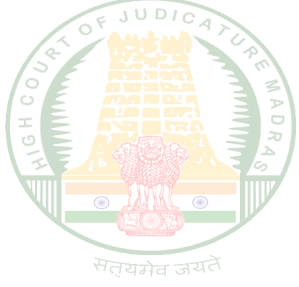
For Respondent(s)
in W.P (MD).4126/2024 :

Mr.N.Palanivel
Govt. Advocate (Crl. Side) for R1

R2 & R4 - No appearance

Mr.M.R.Gokul Krishnan for R3

Mr.AR.L.Sundaresan, ASG
Assisted by Mr.V.Anantha Natraj for R5



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COMMON ORDER

G. ARUL MURUGAN, J.

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The writ petitions, styled as Public Interest Litigations (PILs), have been filed challenging the Prior Site Approval granted by the Petroleum and Explosives Safety Organisation (PESO) dated 26.05.2023 and the No Objection Certificate (NOC) issued by the Commissioner of Police, Trichy dated 09.01.2023 in favour of the Bharat Petroleum Corporation Limited (BPCL) for putting up a petroleum retail outlet in the premises of Tamil Nadu State Transport Corporation (TNSTC) at Major Saravanan Road, T.S.No.2/4, K.Abishekapuram Village, Trichy.

2. Since the issue involved in both the writ petitions is in respect of the petroleum outlet proposed to be installed by BPCL, the cases were heard together and are disposed by this common order.

3. It is the case of the petitioners that the 5th respondent/BPCL entered into a lease agreement dated 01.03.2023 with TNSTC, for setting up a Petroleum-cum-CNG Retail Outlet in gross violation to the guidelines issued by the Central Pollution Control Board (CPCB) in its memorandum dated 07.01.2020 prescribing the siting criteria. It is stated that, since the



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Hon'ble Supreme Court has held that the guidelines prescribed by the CPCB are binding and mandatory, it has to be strictly followed, but the 5th respondent is intending to put up petroleum outlet in violation of the said guidelines.

4. It is further stated that the Commissioner of Police, Trichy and the PESO authorities issued the NOC and prior site approval without proper inspection and verifying the site particulars. The prior site approval, having been issued in a mechanical manner without any enquiry, is in violation of Rule 131 of the Petroleum Rules, 2002. Further, since the site is proposed for petroleum pump and CNG outlet and it is situated at a road intersection near buildings, it violates the prohibited distance of 300 meters, which will cause traffic problems, safety hazards and pose serious health issues. Even though the CPCB distance norm of 50 meters from the residential houses could be relaxed to 30 meters for unavoidable reasons with additional safety measures, the same may not be applicable to the present case, as no additional safety measures have been prescribed in the prior site approval granted.

5. It is further stated that the NOC issued is not in the prescribed format under Rule 144(1) read with Rule 144(7) of the Petroleum Rules and in similar circumstances, the NOC issued by the authorities which was

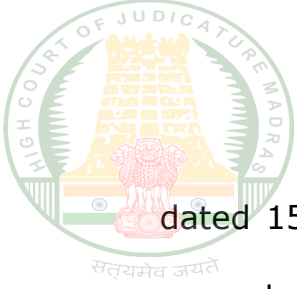


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not in the prescribed format has been interfered with and set aside by this Court. It is also stated that the authorities failed to take note of the directions issued by the NGT in respect of the proposed petroleum outlet, wherein they were directed to consider the objections before issuance of the NOC.

6. Mr.N.L.Rajah, learned Senior Counsel appearing for the petitioners contended that, since the establishment of the petroleum outlet would have a serious impact on traffic and the health of the citizens, based on the directions of the NGT, the CPCB had issued detailed guidelines for siting criteria in the year 2020, which were held to be mandatory by the Hon'ble Supreme Court. Therefore, for location of a petrol pump, site approval granted and NOC issued has to be strictly in adherence to the said guidelines. He further submitted that, though the petitioners may be the neighbours who may have some personal interest, since they have come up with an issue seeking to address the grievances of the public at large, the writ petitions filed by them are genuinely in public interest and are maintainable.

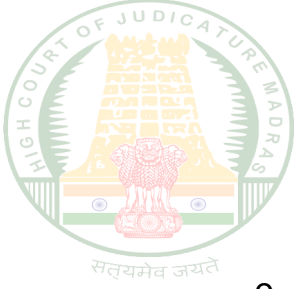
7. Learned Senior Counsel by placing reliance on a decision of the Co-ordinate Bench of this Court in the case of *V.B.R.Menon vs. The Secretary, Ministry of Petroleum and Natural Gas*, (W.P.No.2095 of 2021



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dated 15.02.2024), submitted that the directions issued by this Court in respect of NOC and site approvals to be granted has not been followed and, in such circumstances, the NOC and site approval granted are liable to be quashed and remanded to the authorities. Learned Senior Counsel, by referring to Rule 144 of the Petroleum Rules, submitted that the NOC has to be mandatorily issued in the *proforma* as available under Rule 144(7) of the Petroleum Rules and that the impugned NOC is not in the prescribed *proforma*. He further submitted that, in similar circumstances, NOC not adhering to the prescribed *proforma* had been set aside and therefore, sought interference by this Court.

8. Countering the submissions, Mr.AR.L.Sundaresan, learned Additional Solicitor General of India appearing for Bharat Petroleum Corporation Limited, contended that the writ petitions are filed purely for private vested interest at the behest of the competitive petroleum pump operators and not with any bona fide public cause. By referring to the addresses of the petitioners in the writ petitions and also another person who had moved National Green Tribunal (NGT), learned Additional Solicitor General submitted that different cases had been filed before the NGT, the Principal Seat and the Madurai Bench, where persons originating from the same address had sought different reliefs, ultimately to stall the installation of the petrol pump.



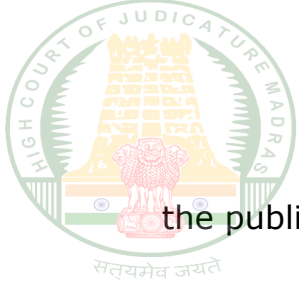
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9. He further submitted that the BPCL is proposing to put up a petroleum outlet for Tamil Nadu State Transport Corporation (TNSTC) in their own premises, which would predominantly be used for its own fleet of vehicles and, of course, would also be open for the benefit of the public. When the petroleum outlet is not for any private person, but it is for a State-owned transport undertaking, the petitioners, by filing successive writ petitions, want to stall the installation, which they, in fact, have succeeded for nearly three years. The writ petitions filed are completely premature, as the explosive license to operate the pump is yet to be granted, without which the petroleum outlet cannot be put into operation and the same will be issued only after compliance of all the applicable regulations.

10. We gave our anxious consideration for the rival submissions made and considered the materials available on record.

11. The Bharat Petroleum Corporation Limited (BPCL)/5th respondent proposed to install the Petroleum Retail Outlet in the premises of the Tamil Nadu State Transport Corporation, which is a State-owned undertaking. The installation of the outlet is predominantly intended for the large fleet of vehicles of the TNSTC, which would also be available to



the public.

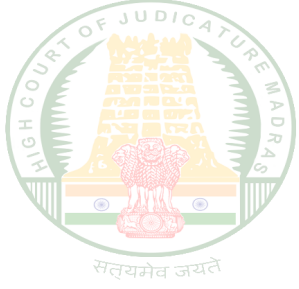
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12. We shall first consider whether the petitions genuinely serve the public interest or merely advance private concerns.

13. At the outset, it is to be noted that all the petitioners before this Court, appear to operate from the same address, namely, No.8/48A, Chinna Milagu Parai, Collector Office Road, Tiruchy. The following list of cases came to be filed by three different persons from the very same address:

- (1) P. Shanmugam filed O.A.No.39 of 2023 before the National Green Tribunal, Southern Zone, Chennai, against the 5th respondent/BPCL from installing the proposed petroleum outlet.
- (2) WP(MD).No.17153 of 2023 filed by S.Satish Kumar before the Madurai Bench of this Court seeking to forbear the authorities from permitting the 5th respondent/BPCL from commissioning and operating the proposed petroleum outlet.
- (3) WP.No.2172 of 2024 filed by R.Chandrasekar before this Court, challenging the prior site approval dated 26.05.2023 issued by the PESO in favor of the BPCL for the proposed petroleum outlet.
- (4) WP(MD).No.4126 of 2024 filed by Satish Kumar before the



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Madurai Bench, challenging the NOC issued by the Commissioner of Police, Tiruchy, dated 09.01.2023 in favor of the BPCL for installing proposed petroleum outlet.

14. From the above list of cases filed, it is apparant that one Shanmugam originally filed O.A.No.39 of 2023, aggrieved by the proposal of installing the petroleum outlet by BPCL in the premises of TNSTC, and the NGT, by order dated 18.04.2023, disposed of the same by directing the authorities to consider the objections and verify the construction made. Thereafter, S.Satish Kumar, one of the petitioners herein, approached the Madurai Bench in W.P.(MD).No.17513 of 2023, seeking to forbear the authorities from allowing the BPCL to install the outlet, wherein an interim order also came to be passed. In fact, in the said writ petition, NOC dated 09.01.2023 granted by the Commissioner of Police was referred to, and the orders of NGT passed in the O.A. preferred by P.Shanmugam were also referred to.

15. While so, the other petitioner filed W.P.No.2172 of 2024 before this Court, challenging the prior site approval dated 26.05.2023 granted by the PESO in favor of the BPCL for the proposed petroleum outlet. He also referred to the cases filed before the NGT and before the Madurai Bench, where an interim order has been issued. Thereafter, the



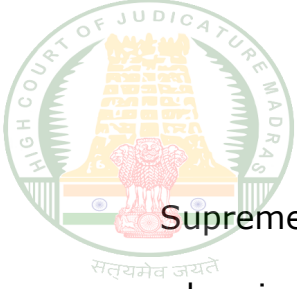
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petitioner, Satish Kumar, filed W.P.(MD).No.4126 of 2024 before the Madurai Bench challenging the NOC dated 09.01.2023 issued by the Commissioner of Police in favor of the BPCL. Curiously, he has also referred to the earlier proceedings, including the case filed by P.Chandrasekar.

16. Learned counsel who had preferred the writ petitions before this Court had also represented the person who had earlier moved the NGT. From the fact that both the petitioners and Shanmugam, who had approached NGT, all share the same address and were represented by the same counsel, it is clear that they are aware of all the proceedings instituted before different forums, namely, the NGT, the Madurai Bench and this Court. The manner in which the cases were filed at different places, particularly when the fact remains that the BPCL is intending to put up the petroleum outlet for TNSTC on their premises, shows that the writ petitions are only proxy litigation by some competitor intending to stall the establishment of this outlet. Therefore, we have no hesitation in coming to the conclusion that the petitioners are only agitating their personal interests, rather than espousing any public cause.

17. At this juncture, it is useful to refer to a decision of the Hon'ble



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Supreme Court in ***Kalyaneshwari vs. Union of India and Others***¹,

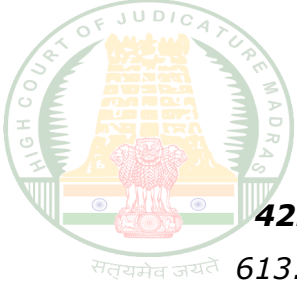
wherein the Hon'ble Supreme Court held that proxy litigation instituted for achieving private interests due to business rivalry, by misusing the Public Interest Litigation, has to be curtailed. The relevant portions of the judgment are extracted hereunder:

"39. Every litigant, who approaches the Court, owes a duty to approach the Court with clean hands and disclose complete facts. A petition which lacks bona fides and is intended to settle business rivalry or is aimed at taking over of a company or augmenting the business of another interested company at the cost of closing business of other units in the garb of PIL would be nothing but abuse of the process of law.

40.

41. In Ashok Kumar Pandey v. State of W.B. [(2004) 3 SCC 349 : (2011) 1 SCC (Cri) 865] this Court took a cautious approach while entertaining public interest litigations and held that public interest litigation is a weapon, which has to be used with great care and circumspection. The judiciary has to be extremely careful to see that no ugly private malice, vested interest and/or seeking publicity lurks behind the beautiful veil of public interest. It is to be used as an effective weapon in the armoury of law for delivering social justice to citizens. The attractive brand name of public interest litigation should not be used for suspicious products of mischief.

¹ (2011) 3 SCC 287

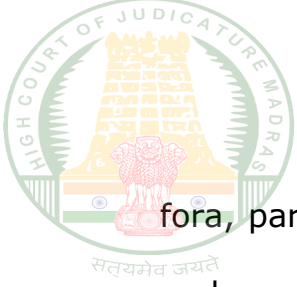


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42. *In Rajiv Ranjan Singh 'Lalan' (8) v. Union of India [(2006) 6 SCC 613: (2006) 3 SCC (Cri) 125], this Court reiterated the principle and even held that howsoever genuine a case brought before a court by a public interest litigant may be, the court has to decline its examination at the behest of a person who, in fact, is not a public interest litigant and whose bona fides and credentials are in doubt; no trust can be placed by the court on a mala fide applicant in a public interest litigation.*

43. *The courts, while exercising jurisdiction and deciding a public interest litigation, have to take great care, primarily, for the reason that wide jurisdiction should not become a source of abuse of process of law by the disgruntled litigant. Such careful exercise is also necessary to ensure that the litigation is genuine, not motivated by extraneous considerations and imposes an obligation upon the litigant to disclose true facts and approach the Court with clean hands. Thus, it is imperative that the petitions, which are bona fide and in public interest alone, be entertained in this category. Abuse of process of law is essentially opposed to any public interest. One who abuses the process of law, cannot be said to serve any public interest, much less, a larger public interest. In the name of the poor let the rich litigant not achieve their end of becoming richer by instituting such set of petitions to ban such activities."*

18. Public Interest Litigations are intended to address the grievances of the voiceless and, therefore, any person seeking to champion a public cause should come with clean hands, free from personal motive or private gain. The manner in which the above cases were filed by different persons from the same address before different



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fora, particularly with one claiming to be a resident and another a tenant and so on, defeats the very object of Public Interest Litigation.

19. Be that as it may, coming to the merits of the issue, the NOC has been granted under Rule 144 of the Petroleum Rules by the Commissioner of Police, Tiruchy. A perusal of the NOC dated 09.01.2023 reveals that it is predominantly in compliance with the *proforma* contained in Rule 144(7) of the Petroleum Rules. The authority had issued the NOC after considering the comments from the Revenue Department regarding possession, comments from the Police Department regarding traffic density and impact, the comments from Legal Department regarding conformity with local area development planning and the comments from all other authorities regarding road safety, road alignment and road-access conformity.

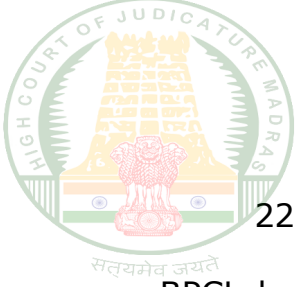
20. It is not a case where the NOC came to be issued without proper application of mind. All the reports from the competent authorities had been taken note of and the NOC has been issued as per the *proforma*. Merely because Sub-Clause (e) to (g) of the format had been couched under Clause (d) does not invalidate the NOC, when all the relevant parameters had been set out and considered. The prior site approval dated 26.05.2023 issued by the PESO in favour of the 5th



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respondent/BPCL reveals that the same is in consonance with Rule 131 of the Petroleum Rules and contains all the details required under the Rules, including the plan drawn. The prior site approval granted permits the BPCL to put up the construction and the final explosive license is yet to be issued, based upon which alone the petroleum outlet could be put into operation. Only when the construction in its entirety satisfies the approval granted and the regulations, the final explosive license would be issued.

21. As regards the contentions made by learned Senior Counsel by placing reliance on the decision of the Coordinate Bench, it is to be noted that the order was passed on 15.02.2024, whereas the NOC and prior site approval impugned in this case had been issued way back in the year 2023 itself. Even in the orders referred to, this court has made it clear that it is not necessary that, in all cases, the PESO has to conduct inspections. Only where any doubt arises, the PESO could request the concerned Tahsildar to depute a surveyor to make measurements. In fact, a perusal of the NOC and site approval granted only reveals that the authorities had collected all the reports from the concerned authorities, which had been considered, and based on which the NOC and site approval came to be issued.



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22. From the detailed counter affidavit filed in the above cases, the BPCL has addressed all the queries raised, and it was found that there was no school or hospital within a radius of 50 meters of the outlet; the location of the filling point and vent pipe is more than 50 meters from the residential building; the storage tank is installed without violating the CPCB guidelines; and dispensing point is more than 30 meters, but within 50 meters near to the residential building and hence as per the CPCB guidelines, additional safety measures have been taken.

23. The applications of the BPCL for the proposed petroleum outlet have been considered in detail by the competent authorities and, being in compliance with the Rules and the guidelines, the NOC and prior site approval have been granted. The allegation of the petitioners that the outlet is located within the prohibited minimum distance from the residential unit is found to be incorrect from the inspections conducted and even the reports filed, show that the residential building is located beyond 30 meters, which is permissible under CBCP guidelines, whereby the 50 meters distance could be reduced to 30 meters based on the additional safety requirements.

24. Further, a bare perusal of the sketch and photographs filed along with the documents reveals that there is a four-road junction and



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that the petroleum outlet is to be established opposite to the District Collectorate Office. The proposed outlet is in the premises of Tamil Nadu State Transport Corporation, bounded by the premises of the TNSTC on two sides and by roads on the other two sides.

25. The prior site approval has been granted and, after the construction is completed, the PESO authorities would grant explosive license for the petroleum outlet, which would, of course, be only after meeting out the requirements of the approval granted. While so, the petitioners have been filing multiple litigations before different forums and at different places against the proposed petroleum outlet by BPCL for vested interest, which lack merit.

26. In view of the above, the Writ Petitions stand dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

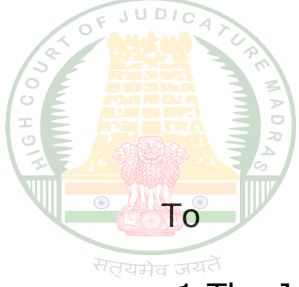
(SUSHRUT ARVIND DHARMADHIKARI, C.J.) (G.ARUL MURUGAN J.)

14.10.2026

Index: Yes/No

Neutral Citation: Yes/No

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To

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Petroleum And Explosives Safety Organisation (PESO),
South Circle, Chennai, No.26, Haddows Road,
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2.The Member-Secretary
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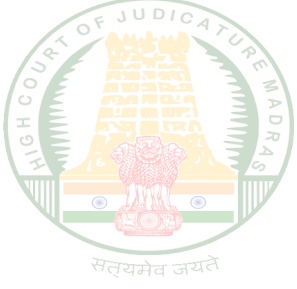
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THE HON'BLE CHIEF JUSTICE
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