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W.P.No.20264 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 04.06.2026

DELIVERED ON : 08.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.20264 of 2026
and WMP Nos.21711, 21715 and 21707 of 2026

G.Alagar
S/o.Gopal,
37F, Thiruvalluvar Street,
Mudaliarpet, Puducherry-605 004.

Petitioner(s)

Vs

1. The Development Commissioner-cum-Secretary (Revenue)-cum-Appellate Authority under Section 154 (2) Petroleum Rules, 2002, Government of Puducherry, Chief Secretariat, Beach Road, Goubert Avenue, Puducherry - 605 001.
2. The District Magistrate-cum-District Collector Office of the Government of District Magistrate-cum-District Collector, Government of Puducherry, I-Floor, New Collector Office, Vazhudavour Road, Pettaiyan Chathiram, Puducherry-605 009.



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3. The Sub Divisional Magistrate (North)
Office of the Deputy Collector (Revenue)
North-cum-Sub Divisional Magistrate (North),
Government of Puducherry, Puducherry.
4. The Member Secretary
Pondicherry Pollution Control Committee,
Housing Board Complex, Anna Nagar,
Puducherry-600 005.
5. The Executive Engineer
Office of the Executive Engineer,
National Highway Division, PWD, Puducherry.
6. Hindustan Petroleum Corporation Ltd, (HPCL)
A Public Ltd Company, Through the General
Manager (South), No.8, No.1,
Thalamuthu Natarajan Building, 4th Floor
Gandhi Irwin Road, Egmore, Chennai - 08.
7. The Deputy General Manager
(Trichy Retail Outlet)
Hindustan Petroleum Corporation Ltd,
Having Regional Office No.90, Second Floor,
MDSR Enclave, Bharathidasan Road-
Cantonment, Trichy - 620 001.
8. The Joint Chief Controller of Explosives
Petroleum and Explosives Safety Organization,
2nd floor, Shastri Bhavan, Nungambakkam,
Chennai - 600 006.
9. Ministry of Road Transport and Highways (MoRTH)
Rep by Chief Engineer- Regional Officer,
Regional Office, Chennai, C-1-A, Rajaji Bhavan,
Besant Nagar, Chennai - 600 090.

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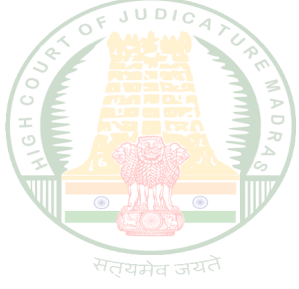
10. National Highways Authority of India (NHAI)
Project Director, NHAI, PIU- Chengalpattu,
No.41/8A, 2/285, Second Floor, Velacherry-
Tambaram Main Road, Santhoshapuram,
Medavakkam, Chennai- 073.

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11. Geetha.G
W/o.Poovaraghavan
No.58, Rajendri Jeyaraman Illam,
Lawspet Main Road, Sellaperumalpet, Lawspet,
Puducherry-605 008.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certioraified mandamus calling for the records relating to (i) impugned order dated 19.3.2026 passed by the 1st respondent in Appeal No.1/2025 and Consequential (ii) impugned No-Objection Certificate (NOC) vide No.1377/DM/RO/TAH/D3/2024 dated 15.04.2026 issued by the 2nd respondent in favour of M/s.HPCL, Trichy for setting up/establishing new MS/HSD Petroleum /Diesel Retail Outlet Dealership at Survey No.140/2B2, Karuvadikuppam Revenue Village, Oulgaret Taluk, Puducherry and Survey No.223/1A/1A/10, Saram Revenue Village, Puducherry and quash the same and consequential direction refraining respondent Nos.6, 7, 8 and 11 or their servants, agents, henchmen, or anyone acting on their behalf or anyone claiming through or under them from setting up/ establishing new MS/HSD Petroleum/Diesel Retail Outlet Dealership at Survey No. 140/2B2, Karuvadikuppam Revenue Village,Oulgaret Taluk, Puducherry and Survey No.223/1A/1A/10, Saram Revenue Village, Puducherry.



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For Petitioner(s): Ms.A.Pramila

For Respondent(s): Mr.V.Vasanthakumar
Additional Government Pleader
(Puducherry) for R1 to R5

Mr.Mohammed Fayaz Ali
Standing Counsel for R6 and R7.

Mr.K.Srinivasa Murthy SPC(G)
for R8 and R9.

Mrs. S.R.Sumathy Standing Counsel
for R10.

Mr. A.K.Sriram Senior Counsel
for Mr. D.Ravichander for R11

ORDER

THE CHIEF JUSTICE

The present writ petition, styled as a Public Interest Litigation (PIL), has been filed under Article 226 of the Constitution of India challenging the order dated 19.03.2026 passed by the first respondent in Appeal No.1/2025, and consequently challenging the No Objection Certificate (NOC) dated 15.04.2026 issued by the second respondent in favour of the seventh respondent (HPCL) for setting up a MS/HSD Retail Outlet at Survey No.140/2B2, Karuvadikuppam Revenue Village and Survey No.223/1A/1A/10, Saram Revenue Village, Puducherry.



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2. Before advertng to the factual or technical merits of the challenge raised in the writ petition, this Court finds it essential to evaluate the maintainability of this action under the Rules to Regulate Public Interest Litigations filed under Article 226 of the Constitution of India.

3. Rule 1 of the said Rules mandates that every PIL must indicate that the petitioner has no personal interest in the case, while Rule 3 of the Rules requires an absolute undertaking that the petition is not propelled by personal gain, private motive, or an oblique purpose.

4. The genesis and evolution of PIL in India represent a unique, indigenously developed jurisprudence rooted in the constitutional obligation of the higher judiciary to provide access to justice to the poor, marginalized, and vulnerable sections of society. As encapsulated by the Supreme Court in *State of Uttaranchal v. Balwant Singh Chauhal and Others*¹, PIL is not adversarial in nature; rather, it is a collaborative effort designed to make fundamental rights meaningful

¹ (2010) 3 SCC 402



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for those unable to approach the court due to poverty, ignorance, or socio-economic disadvantages.

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5. To ensure the purity and sanctity of this vital mechanism, Paragraph 181 of the judgment of the Supreme Court in *Balwant Singh Chauhal* (supra) explicitly delineates strict guidelines for the courts, mandating that genuine and *bona fide* PIL must be encouraged while effectively discouraging and curbing PIL filed for extraneous considerations. Courts must be absolutely satisfied that a substantial public interest is involved, that the petition is aimed at the redressal of a genuine public harm or public injury, and that petitions filed by busybodies for extraneous, personal, or ulterior motives are robustly discouraged through the imposition of exemplary costs.

6. The expansive jurisprudence of PIL cannot be subverted to adjudicate personal disputes, private vendettas, or localized property conflicts. A genuine PIL must project a collective grievance impacting the public at large. The liberalization of *locus standi* was intended to be a weapon for the downtrodden, not a tool for individuals seeking to enforce private or proprietary rights. When a petition is heavily coated in the language of public welfare, but fundamentally traces back to a



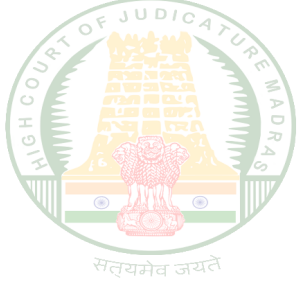
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personal or proprietary interest, it ceases to satisfy the core constitutional thresholds of a PIL.

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7. In the affidavit, the petitioner states that he is a Coolie as well as a land and house broker for rent/lease and sale on a brokerage basis. More importantly, it is the explicit submission of the learned counsel for the petitioner that the petitioner owns land adjacent to the land in question. By no stretch of imagination can the present petition therefore be construed as a public interest litigation.

8. Applying the binding principles laid down by the Supreme Court in *Balwant Singh Chauhal* (supra), the petitioner's locus as an "adjacent land owner" decisively strips the petition of its public character. The grievance ventilated is individualistic and tied directly to personal property interests, private motives, or neighborhood friction rather than the collective, grave public injury required to trigger this court's extraordinary public interest jurisdiction. Frivolous invocations of this jurisdiction by directly affected private individuals under the guise of public welfare dilute the true purpose of PIL and place an unsustainable strain on limited judicial time. This is clearly a personal interest litigation disguised as a public interest litigation.



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9. Furthermore, Rule 5 of the Rules mandates that a petitioner must explicitly state in the affidavit that, to his knowledge, no PIL arising on the same issue has been filed anywhere. It has been brought to the notice of this Court that earlier writ petitions involving the exact same cause of action, same site, and identical environmental objections were filed by one R.Gopal and one such petition [W.P.No.6147 of 2026] was dismissed with costs of Rs.1,00,000/- and another petition [W.P.No.18328 of 2026] remains pending. Petitioner's pleading of ignorance regarding these crucial facts amounts to a suppression of material facts, making the petition liable to be dismissed *in limine* as an abuse of judicial process.

10. Notwithstanding the primary fatal defects regarding maintainability, this Court proceeds to examine the substantive challenges in the interest of complete justice. The seventh respondent (HPCL) applied for a No-Objection Certificate (NOC), which was initially recommended by the third respondent vide report dated 02.07.2024, but subsequently rejected by the second respondent on 10.02.2025 due to the proximity of a canal. On statutory appeal, the first respondent (Appellate Authority) conducted a thorough examination of



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records and departmental reports, setting aside the rejection and directing the issuance of the NOC vide order dated 19.03.2026.

Pursuant to this direction, the formal NOC was issued on 15.04.2026.

11. Learned counsel for the petitioner has assailed the Appellate Authority's order on multiple grounds:

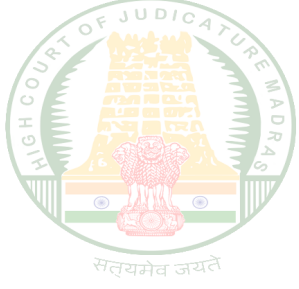
(i) The site is within 17.2 meters of residential apartments (GV Palace/MM Palace), violating the 30-meter proximity norm.

(ii) A canal abuts the site, and the "Vannan Madu" pond is within 50 meters, relying on fund sanctions under G.O. Rt. No. 94 dated 12.03.2026 for dredging the canal as proof of its active water-body status.

(iii) Electricity transformers are placed hazardously within 4 meters and 3.4 meters.

(iv) An existing BPCL outlet is within 330 meters, violating the 1000-meter IRC guideline.

(v) The plot frontage is 27.4 meters against the technical requirement of 30 meters.



(vi) Prior MoRTH approval was not obtained for the National Highway site.

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12. Conversely, the learned counsel for the respondents submit in one voice that the Appellate Authority's decision is deeply reasoned; that the alleged "canal" is an urban wastewater drainage channel rather than a natural water body; that "Vannan Madu" pond is physically non-existent and built over by public infrastructure; and that all safety distances regarding residential zones and transformers have been explicitly certified by specialized technical bodies like the Electricity Department.

13. It is a settled proposition of law that while exercising extraordinary writ jurisdiction, this Court cannot act as a court of appeal to re-appreciate evidence or disturb the findings of fact recorded by statutory or competent authorities. Where the competent administrative authorities have arrived at a factual determination based on the material evidence placed before them, such findings of fact are sacrosanct. Unless the findings are shown to be completely perverse, unauthorized, or structurally plagued by a patent error of

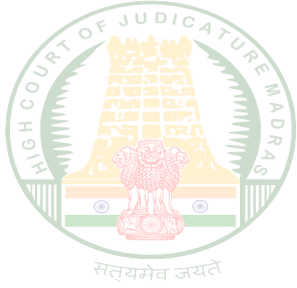


law, a writ court will not substitute its own opinion for that of the technical authorities. The said view of ours is fortified by a decision of the Supreme Court in *Ajay Singh v. Khacheru*, (2025) 3 SCC 266, wherein it has been held thus:

"15. The said finding of facts was reversed by the High Court in writ proceedings only on the ground that at all relevant times, the disputed land was recorded as "Oosar" in the revenue records and under some confusion it was entered as Johad (Pond). The High Court further said that the writ petitioner could not be responsible for the non-availability of allotment files in the tehsil office.

16. It is a well-established principle that the High Court, while exercising its jurisdiction under Article 226 of the Constitution of India, cannot reappreciate the evidence and arrive at a finding of facts unless the authorities below had either exceeded its jurisdiction or acted perversely.

17. On the said settled proposition of law, we must make reference to the judgment of this Court in Chandavarkar Sita Ratna Rao v. Ashalata S. Guram, (1986) 4 SCC 447. The relevant portion thereof reads as under: (SCC p. 458, para 16)



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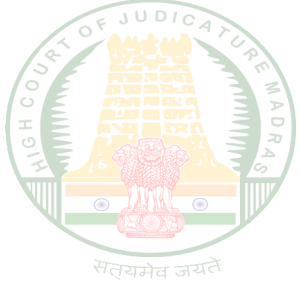
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'16. ... **It is well settled that the High Court can set aside or ignore the findings of fact of an appropriate court if there was no evidence to justify such a conclusion and if no reasonable person could possibly have come to the conclusion which the courts below have come or in other words a finding which was perverse in law.** This principle is well settled. In *D.N. Banerji v. P.R. Mukherjee*, (1952) 2 SCC 619 it was laid down by this Court that **unless there was any grave miscarriage of justice or flagrant violation of law calling for intervention it was not for the High Court under Articles 226 and 227 of the Constitution to interfere.** If there is evidence on record on which a finding can be arrived at and if the court has not misdirected itself either on law or on fact, then in exercise of the power under Article 226 or Article 227 of the Constitution, the High Court should refrain from interfering with such findings made by the appropriate authorities.'

...

19. Observations similar in nature were made in *Krishnanand v. State of U.P.*, (2015) 1 SCC 553, wherein it was held that : (SCC p. 557, para 12)

"12. The High Court has committed an error in reversing the findings of fact arrived at by the authorities below in coming to the conclusion that there was a partition. No doubt, the High Court did so in exercise of its jurisdiction under Article 226 of the Constitution. **It is a settled law that such a jurisdiction cannot be exercised for reappreciating the evidence and arrival of findings of facts unless the authority which passed the impugned order does not have jurisdiction to render the finding or has acted in excess of its**

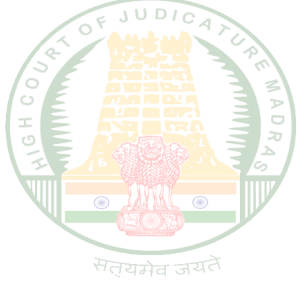


jurisdiction or the finding is patently perverse."

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20. *In our considered view, the High Court has committed an error of law and facts in setting aside the concurrent findings in both the impugned judgment and order **There was no basis for the High Court to ignore the findings of the authorities and come to its own conclusion by appreciating the evidence on record. The same was outside the purview of Article 226 of the Constitution of India in the absence of any perversity or illegality afflicting the findings of the authorities.***

21. *A plain reading of the impugned judgment shows that the High Court has exceeded its jurisdiction in reappreciating the evidence and substituting the factual findings recorded by the authorities below. The conclusion that the disputed land should be treated as "Oosar" land is unsupported by the evidence on record. Further, the authorities below rightly observed that the disputed land was Johad (Pond) and was kept out of the consolidation scheme, as it was being used as a water reservoir by the villagers for their daily needs. Given the ex parte decree passed in favour of the appellant by the Civil Judge on 7-11-2005, whereby the respondent was permanently prohibited from disturbing the villagers'*



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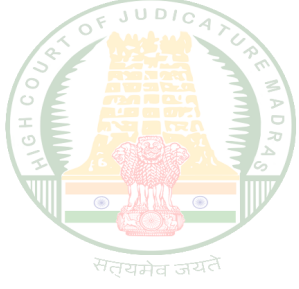
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right to use the land as Johad (Pond), the High Court erred in disturbing the orders of the lower authorities.”

[emphasis supplied]

14. The record indicates that the Appellate Authority conducted a meticulous factual inquiry. The Oulgaret Municipality and the Puducherry Pollution Control Committee explicitly confirmed that the channel abutting the site is a waste-water drainage canal essential for urban runoff, and not a natural perennial water body. Furthermore, the Local Administration Department, vide letter dated 11.12.2025, confirmed that "Vannan Madu" is physically non-existent, having been long built over by a PWD Pump House and an ECHS Polyclinic.

15. The Appellate Authority rightly relied upon the decision in *UltraTech Cement* (supra) to hold that references to protected water bodies must be established physically on the ground, and not merely in archaic revenue records. Since the alleged pond is physically non-existent and the area is entirely built-up, as rightly held by the authorities, it cannot be treated as a protected water body under restrictive CPCB environmental buffer guidelines.



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16. The petitioner's reliance on G.O.Rt.No. 94/2026 sanctioning dredging funds does not alter the character of the channel from an urban drain to a protected natural water body. Dredging of drainage channels is a routine municipal maintenance activity carried out to prevent urban water-logging and flooding; it does not invoke the strict 50-meter environmental buffer zone exclusively intended for natural lakes or ponds to prevent fuel seepage into local water tables.

17. Regarding the proximity to residential apartments, the records reveal that the site falls cleanly within a "Mixed Commercial Zone" as per the Comprehensive Development Plan-2036. The technical interpretation adopted by the authorities is consistent with the proposition laid down by the Kerala High Court in *Kalesh Kumar K.K. vs. State of Kerala [W.P.(C) No.11578 of 2022]*, which recognizes that "residential areas" denote regions legally designated as such under local laws and not to isolated residential buildings.

18. On the issue of potential hazards from electrical installations, the Executive Engineer of the Electricity Department inspected the premises and certified that the clearance between the transformers



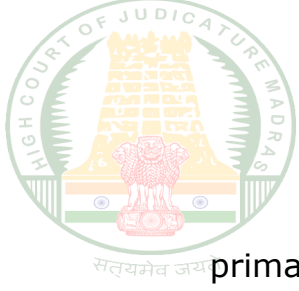
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and the proposed fuel retail layout is more than 21 feet, which is technically adequate, safe, and compliant. The petitioner's assertion of unsafe proximity is completely contradicted by the binding technical certification of the competent authority.

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19. In our considered opinion, the impugned order dated 19.03.2026 is a well-reasoned administrative decision. It correctly distinguished between a natural water body and a drainage channel based on physical verification and expert reports. The petitioner has completely failed to demonstrate any arbitrariness, malice, or violation of fundamental rights. Furthermore, the petition is heavily tainted by personal interest and the suppression of prior litigation on the identical subject matter, making it a clear abuse of the judicial process.

20. In view of the above settled legal propositions, the factual findings of the competent authorities require no interference and the petition is fundamentally a personal interest litigation under the guise of a public interest litigation.



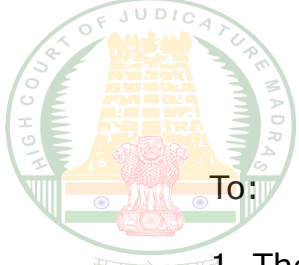
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21. For the reasons aforegiven, this writ petition is dismissed primarily on the ground of non-maintainability for violating Rules 1, 3, and 5 of the *Rules*, as well as being devoid of substance on merits.

22. Since the petitioner has actively weaponized the extraordinary jurisdiction of this court for personal interests and suppressed material facts regarding prior litigation, we deem it necessary to impose costs to safeguard the judicial process from vexatious petitions. The petitioner is directed to pay costs of Rs.1,00,000/- (Rupees One Lakh Only) to the Tamil Nadu State Legal Services Authority within four weeks from today. Consequently, connected interim applications stand closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
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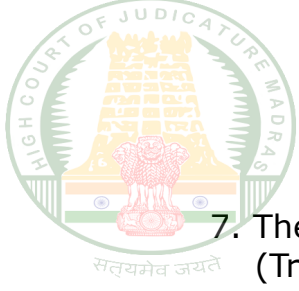
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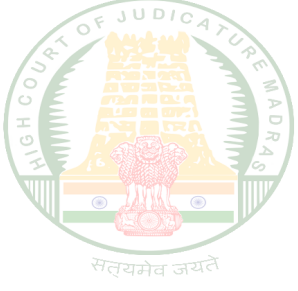
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THE HON'BLE CHIEF JUSTICE
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G.ARUL MURUGAN,J.

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