

**WRIT APPEAL NO: 1282 of 2025**

Chalichama Rambabu and others

...Appellants

Vs.

Union of India and others

...Respondents

Advocate for Appellants : Mr. M Chalapati Rao

Advocate(s) for Respondent(s): GP for Roads & Buildings,
Mr. Ashok Ram V,
GP for Revenue,
Mr. P Shashi Vardhan,
Mr. Bachina Hanumantha Rao (Central
Govt., Counsel).

**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE CHALLA GUNARANJAN****DATE : 8th December, 2025****Per Dhiraj Singh Thakur, CJ (Oral) :**

The present writ appeal has been preferred against the judgment and order, dated 27.10.2025, passed in WP.No.17423 of 2024.

2. The petitioners had challenged the proceedings, dated 09.03.2024 by virtue of which an NOC was granted in favour of M/s. Indian Oil Corporation Limited, Vijayawada (respondent No.2) for storage of petroleum products at Sy.No.321/1 in Doddavaram Village of Maddipadu Mandal,

Prakasam District. Respondent No.14 is the dealer appointed by the Indian Oil Corporation Limited for running the retail outlet of the petroleum products in the above premises.

3. The basis for challenging the said proceedings was that NOC could not have been issued at all in favour of respondent No.2 inasmuch as it did not comply with the requirement as regards distance of the retail outlet from the Zilla Parishad High School as also a Temple, which conditions are otherwise prescribed by the Central Pollution Control Board which envisages a minimum distance of 50 meters from the said school/temple.

4. The learned single Judge, upon hearing the matter, came to the conclusion that although the distance requirement was not met by respondent Nos.2 & 14, yet, since the shortfall was only to an extent of 3 meters, therefore, the same could be dealt with by providing additional safety measures which is clearly envisaged by the Central Pollution Control Board [CPCB] guidelines, dated 07.01.2020.

5. A reference to clause 'H' of the aforementioned guidelines is relevant and reads thus:

'H. Siting criteria of Retail Outlets:

In case of siting criteria for petrol pumps new Retail Outlets shall not be located within a radial distance of 50 meters (from fill point/dispensing units/vent pipe whichever is nearest) from schools, hospitals (10 beds and

above) and residential areas designated as per local laws. In case of constraints in providing 50 meters distance, the retail outlet shall implement additional safety measures as prescribed by PESSO. In no case the distance between new retail outlet from schools, hospitals (10 beds and above) and residential area designated as per local laws shall be less than 30 meters. No high tension line shall pass over the retail outlet.'

6. Keeping in view the aforementioned guidelines, the learned single Judge, while setting aside the proceedings, dated 09.03.2024, proceeded to direct the official respondents to issue a show cause notice to the Petroleum Corporation as also respondent No.14 i.e., the petroleum dealer as regards the additional safety measures which have been provided in terms of the afore-mentioned guidelines.

The show cause notice was directed to be issued within a period of two weeks and the explanation(s) thereto was required to be submitted within a period of 10 days thereafter. Upon receipt of the explanation(s) and after providing reasonable opportunity of being heard to respondent Nos.2 & 14, the learned single Judge ordered that appropriate orders be passed. In the meantime, respondent No.2 was permitted to operate the retail outlet.

7. It is this judgment and order which is now under challenge in the present writ appeal.

8. Learned counsel for the appellant would submit that the learned single Judge, having satisfied itself that the petroleum Corporation/dealer did

not comply with the distance requirement as prescribed by the CPCB, while setting aside the NOC granted in favour of the Indian Oil Corporation, ought to have restrained the sale of petroleum products while giving an opportunity to the Corporation as also the dealer to satisfy the competent authority with regard to the additional safety measures provided at the said location.

It is stated that there was no scope for the learned single Judge to have permitted the conduct of business without in the least satisfying itself with regard to the provision of additional safety measures.

It is stated that in the event any untoward incident were to happen at the petroleum outlet, it is the children studying in the Zilla Parishad High School as also those devotees who visit the temple whose lives would be at risk.

9. Learned counsel for respondent No.14, on the other hand, would submit with reference to the stand taken before the learned single Judge that additional safety measures had in fact been provided keeping in view the fact that the distance otherwise envisaged to be provided was less than 50 meters from the Zilla Parishad high school.

10. We have heard learned counsel for the parties.

11. It appears that pursuant to the directions issued by the learned single Judge, a show-cause notice dated 02.12.2025 has since been issued

by the District Revenue Officer, respondent No.6, which is the competent authority to issue such a show-cause notice.

We are also informed that response to the show-cause notice is in the process of being filed during the course of the day. Although the learned single Judge had provided four weeks to the competent authority to pass appropriate orders, in our opinion, the aforementioned period is required to be reduced.

The competent authority i.e., respondent No.6 – District Revenue Officer shall pass appropriate orders after giving an opportunity of personal hearing, if sought by respondent Nos.2 & 14, and appropriate orders be passed within a period of two weeks from today.

12. In our opinion, the order passed by the learned single Judge, in the facts and circumstances of the case, where respondent No.14 has taken a specific stand that additional measures have been taken, requires no interference at this stage.

13. It would be open to the competent authority to take a call as to whether since the distance between the Zilla Parishad High School and the petroleum outlet is less than 50 meters, the safety measures which have been provided comply with the safety measures as are otherwise envisaged by the Central Pollution Control Board norms or not. In case the safety measures

are not in compliance, the authorities concerned shall be at liberty to stop the operations of the petroleum outlet in question.

14. Considering the fact that NOCs issued by the authorities concerned for purposes of establishing the petroleum retail outlet are not in consonance with the actual position existing on spot, it will be open to the District Collector to take appropriate action so that the NOCs etc., are not issued in a routine manner.

15. The Writ Appeal is, accordingly, disposed of. No order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

DHIRAJ SINGH THAKUR, CJ

CHALLA GUNARANJAN, J

Vjl