

W.P.No.27017 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.27017 of 2024

S.SakthiVadivel

..Petitioner

Vs.

1. The Additional Chief Secretary to Government
Transport Department
Fort St.George, Secretariat
Chennai – 600 009
2. The Transport Commissioner
Ezhilagam, PWD Estate, Chepauk
Chennai – 600 005
3. Indian Oil Corporation Limited
Indian Oil Bhavan
8/1079, Avinashi Road
Coimbatore – 641 018
4. The Chief Engineer
Highway Department
Chennai

1/9



W.P.No.27017 of 2024

5. The District Collector
Collectorate Building
Tiruppur North – 641 604

6. The District Revenue Officer
Collectorate Building, Tiruppur – 641 604

7. The Tahsildar
Avinashi, Tiruppur – 641 654

8. The Fire and Rescue Department
Kasikoundanpalayam
Avinashi, Tiruppur – 641 654

9. The Revenue Divisional Officer
Tiruppur

10. The Superintendent of Police
Palladam Road, Tiruppur – 641 654

11. Mr.V.K.Palanisamy

... Respondents

Writ Petition filed under Article 226 of Constitution of India for issuance of writ of mandamus directing the first respondent to duly notify the appellate authority as per Section 154(2) of the Petroleum Rules, 2002 vide W.P.No.29707 of 2022 to the petitioner and transfer his appeal papers pending on the file of the 2nd respondent to the competent appellate authority in continuance to the communication dated 02.05.2023 under Proc.R.No.4471/M2/2023 sent to the petitioner.



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W.P.No.27017 of 2024

For Petitioner ... Mr.AR.M.Arunachalam

For Respondents ... Mr.Yogesh Kannadasan
Special. Govt. Pleader
for R1, R2, R4 to R10
Mr.Mohamed Fayaz Ali
Standing counsel for R3

ORDER

The petitioner seeks a direction to the first respondent to duly notify the appellate authority as per Section 154(2) of the Petroleum Rules, 2002 and transfer his appeal papers pending on the file of the 2nd respondent to the competent appellate authority.

2. The first respondent floated a tender on 17.10.2014 inviting applications for setting up a Petrol Bunk within 3 Kilometers from Avinashi to Kurumbapalayam, Coimbatore and the first respondent issued the Letter of Intent to the petitioner and the terms and conditions in the Letter of Intent includes securing permission / License from the Corporation/Government Bodies towards setting up the Petrol Bunk. Though 8th and 9th respondents

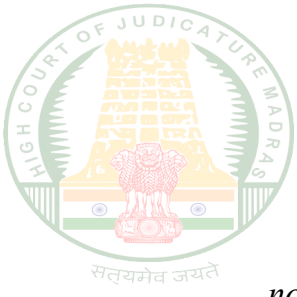


W.P.No.27017 of 2024

have issued No Objection Certificate, 6th respondent, by order dated

01.12.2022 refused to grant permission and license to set up the petrol bunk, against which the petitioner preferred an appeal before the second respondent.

3. When the appeal was pending, a Hon'ble Division Bench of this Court vide order dated 21.12.2023 in W.P.No. 29707 of 2022 held that the Petroleum Rules, 2002 is a piece of subordinate legislation and the Government orders cannot supplant or override the Rules framed and G.O. (Ms.) No.1074 dated 25.05.1983 was issued prior to the enforcement of Petroleum Rules, 2002. Accordingly, the Division Bench set aside the order notifying Appellate Authority as per G.O. (Ms.) No.1074 dated 25.05.1983 and directed the Government to notify the Appellate Authority in tune with Petroleum Rules, 2002. Pursuant to such directions, now the Government has notified the Appellate Authority vide G.O.Ms.No.208, Home (Transport-IV) Department, dated 07.05.2025 and relevant portion is paragraph 3 and the same reads as follows:



W.P.No.27017 of 2024

WEB COPY

“3. The Government, after careful examination, and decided to nominate the following officials as Appellate Authority under Section (1)(iii) of 154 of the Petroleum Rules, 2002 who are the immediate official superior to the District Authority:-

“a) The Commissioner of Revenue Administration is the Appellate Authority in such cases where an appeal is filed against any order passed by the District Magistrate (i.e.) District Collector.

b) The Director General of Police/Head of Police Force is the Appellate Authority in such cases where an appeal is filed against any order passed by the Commissioner of Police/Deputy Commissioner of Police in Towns.”

4. In view of the notification issued by the Government notifying the Appellate Authority, the appeal originally filed by the petitioner and pending before the second respondent is directed to be transferred, if not already transferred, to the file of Commissioner of Revenue Administration, who is the Appellate Authority. The Commissioner of Revenue Administration shall dispose of the appeal as expeditiously as possible, preferably within a period of four months from the date of transmission of appeal papers.



WEB COPY



W.P.No.27017 of 2024



W.P.No.27017 of 2024

This writ petition is disposed of with the above directions. There

shall be no order as to costs.

04.12.2025

Index: Yes/No

Internet: Yes/No

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To

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W.P.No.27017 of 2024

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W.P.No.27017 of 2024

N. SATHISH KUMAR, J

gpa

W.P.No.27017 of 2024

04.12.2025