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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 21.04.2026

Pronounced On : 30.04.2026

CORAM

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN**

WP.(MD)Nos.19819 & 22511 of 2025
and

WMP.(MD)Nos.15265, 17616, 17617, 20580 & 22806 of 2025

WP.(MD)No.19819 of 2025

S.Paneerselvam

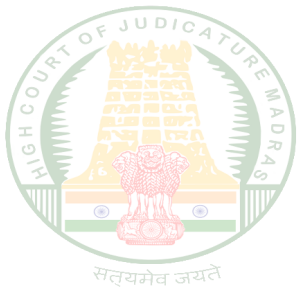
... Petitioner

Vs.

1.The Joint Chief Controller of Explosives
South Circle Chennai
Petroleum and Explosives Safety Organisation (PESO)
A and D Wing Block 1-8
2 nd Floor Shastri Bhawan
No.26 Haddows Road Nungambakkam Chennai - 600 006

2.The Commissioner of Police
Trichy City Police Office
Pudukkottai Main Road
Subramaniapuram
Tiruchirappalli - 620 020

3.The Joint Chief Environmental Engineer
Tamilnadu Pollution Control Board
No.25 Developed Plots
Thuvakudy Tiruchirappalli - 620015



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4. The Regional Director
Central Pollution Control Board
Regional Directorate (Chennai)
2 nd Floor BSNL Building
40-E Guindy Industrial Estate
Guindy Chennai 600 032

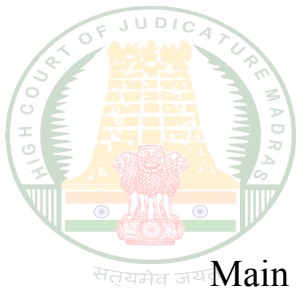
5. The Divisional Engineer
(Construction and Maintenance)
Highways Department
25/28 Shankar Illam
Pudukottai Main Road
Subramaniyapuram
Tiruchirappalli - 620 020

6. The Regional Manager
Hindustan Petroleum Corporation Limited.
Trichy Retail Regional Office
No.90 2 nd Floor
MDSR Enclave
Bharathidasan Road
Cantonment
Tiruchirappalli - 620001

7. M/s. Kunjithapatham and Co.
Dealer - Hindustan Petroleum Corporation Ltd.
Survey No.22 Old Survey No. 158-22
Piratiur Tiruchirappalli Taluk
Tiruchirappalli - 620 009

... Respondents

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus to direct the 1 st to 5th Respondents to take immediate actions in accordance with law, including closure, to stop the commissioning and operation of a New Petroleum Retail Outlet by the 6th and 7th Respondents on Edamalaipatti



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Main Road at Survey No. 130/21, Edamalaipatti Pudur , Tiruchirappalli District - 620012 in gross violations of the mandatory Siting Criteria prescribed by the Central Pollution Control Board , State Highways Department and several binding judicial decisions/ directions of this Honble Court and Honble Apex Court in similar cases in the recent past in the Tiruchirappalli Area itself.

For Petitioner	: Mr.M.P.Senthil for Mr.V.B.Radhakrishnan Menon
For R1	: Mr.G.Rajarajan, Central Government Standing Counsel
For R2	: Mr.K.Sanjai Gandhi, Government Advocate
For R3	: M/s.Maduri Donti Reddy
For R4 & R5	: Mr.S.P.Maharajan, Special Government Pleader
For R6	: Mr.B.Saravanan, Senior Counsel, for Mr.R.J.Karthick

WP.(MD)No.22511 of 2025

S.Paneerselvam

... Petitioner

Vs.

1.The Joint Chief Controller of Explosives
South Circle Chennai
Petroleum and Explosives Safety Organisation (PESO)
A and D Wing Block 1-8



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2 nd Floor Shastri Bhawan
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Hindustan Petroleum Corporation Limited.
Trichy Retail Regional Office
No.90 2nd Floor MDSR Enclave
Bharathidasan Road
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Tiruchirappalli – 620001

... Respondents

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari, to call for the records of the Final Explosive Licence No.P/SC/TN/14/10470 (P550897) dated 31.10.2023 issued by the first respondent to the fifth respondent



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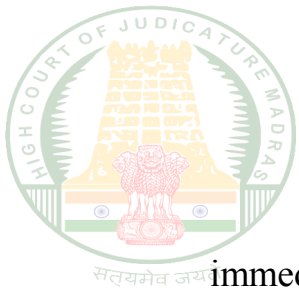
being violative of the Siting Criteria prescribed for new Petroleum Retail Outlets by the Central Pollution Control Board and based on a forged / fabricated copy of the No Objection Certificate to operate a New Petroleum Retail Outlet on Edamalaipatti Pudur Main Road at Town Survey No.22, Old Survey No.158-21 AP, Block No.36, Ward No.004, (A.L), Pirattiyur East Village, Edamalaipatti Pudur Main Road, Trichy West Taluk, Triuchirappalli District-620 009 and quash the Final Explosive Licence dated 31.10.2023.

For Petitioner	: Mr.M.P.Senthil for Mr.V.B.Radhakrishnan Menon
For R1	: Mr.G.Rajarajan, Central Government Standing Counsel
For R2	: Mr.K.Sanjai Gandhi, Government Advocate
For R3	: M/s.Maduri Donti Reddy
For R4	: Mr.S.P.Maharajan, Special Government Pleader

COMMON ORDER

(Common order of this Court was delivered by **M.JOTHIRAMAN J.**)

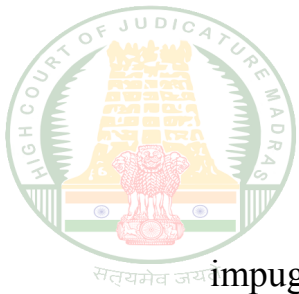
These two writ petitions have been filed by one Mr.S.Paneerselvam, who is an Advocate practising in Trichy District in public interest. Writ petition in WP.(MD)No.19819 of 2025 has been filed seeking a direction to the official respondents to take to take



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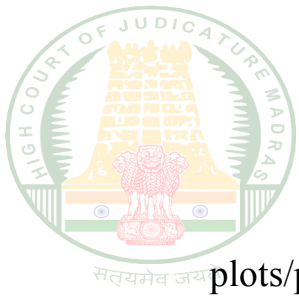
immediate actions in accordance with law, including closure, to stop the commissioning and operation of a New Petroleum Retail Outlet by the respondents 6 & 7. Writ petition in WP.(MD)No.22511 of 2025 has been filed challenging the Final Explosive Licence dated 31.10.2023 issued by the first respondent to the fifth respondent being violative of the Siting Criteria prescribed for new Petroleum Retail Outlets by the Central Pollution Control Board and based on a forged / fabricated copy of the No Objection Certificate to operate a New Petroleum Retail Outlet on Edamalaipatti Pudur Main Road at Town Survey No.22, Old Survey No.158-21 AP, Block No.36, Ward No.004, (A.L), Pirattiyur East Village, Edamalaipatti Pudur Main Road, Trichy West Taluk, Tiruchirappalli District-620 009. For the sake of convenience, parties are referred to as per their rank in WP.(MD)No.22511 of 2025.

2.It is the case of the petitioner that the Regional Manager, Hindustan Petroleum Corporation Limited, Trichy Retail Regional Office/ 5th respondent in WP.(MD)No.22511 of 2025 has submitted a forged copy of the no objection certificate issued by the second respondent/Commissioner of Police, Tiruchy City Police to obtain the



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impugned licence from the first respondent, which is entitled the 5th respondent to commence and operate the new petroleum outlet in the petition mentioned land. No objection certificate from the second respondent/Commissioner of Police had submitted before the first respondent to obtain final explosive licence dated 17.08.2023, whereas, the format which had come into existence only on 04.03.2024, pursuant to the amendment made to the Rule 144(7) of the Petroleum Rules, 2002. If the no objection certificate was issued by the second respondent/Commissioner of Police on 17.08.2023, it should have been in the pre-amended format, existing since 10.03.2018. Therefore, the 5th respondent has submitted forged/fabricated no objection certificate. The first respondent has failed to verify the same and without verification issued the impugned final explosive licence. The Central Pollution Control Board has prescribed siting criteria for new petroleum outlets, vide memorandum dated 07.01.2020 wherein a minimum distance of 50 meter and concessionary distance of 30 meter, with prescribed additional safety measures, have been mandated for operating petroleum retail outlets near to residential area, whereas in the instant case, the distance of the proposed site is only 10 to 20 meter from the surrounding residential



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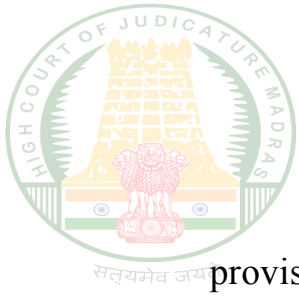
plots/premises. The proposed site is situated at an intersection on the State Highway as against the prescribed prohibited distance of 100 meter from any nearest road intersection as per G.O.(Ms)No.25, Highways and Minor Ports (HN2) Department dated 24.04.2022.

3.The third respondent /Joint Chief Environmental Engineer, Tamilnadu Pollution Control Board in WP.(MD)No.22511 of 2025 has filed a counter affidavit. The fourth respondent/ Divisional Engineer(Construction and Maintenance) Highways Department in WP. (MD)No.22511 of 2025 has filed a counter affidavit. Counter affidavit has also filed on behalf of the respondents 1 to 3 in WP.(MD)No.22511 of 2025, stating that the first respondent granted licence which is valid up to 31.12.2025 in the format XIV of the Petroleum Rules, 2002 to M/s. Hindustan Petroleum Corporation Limited situated in the petition mentioned land, on the strength of the no objection certificate issued by the Commissioner of Police, Trichy City dated 17.08.2023. The no objection certificate has been granted after considering the comments from the local area development authority regarding conformity of proposal to the local area development planning which clearly indicates



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that Central Pollution Control Board guidelines have been taken into account by the District Authority for issuing no objection certificate. The first respondent on complete scrutiny of the 5th respondent's application and other documents as per Rule 141 of the Petroleum Rules, 2002 had granted the said licence as per the provisions of said rules with full application of mind. The first respondent had issued a show cause letter to the 5th respondent to mention the distances of facilities located around the petroleum retail outlet as it was mentioned in the drawings submitted by the 5th respondent. The action of the first respondent is only for mentioning the distances between the facilities in the drawing. Prior approval was granted to the subject petroleum retail outlet on 23.11.2022 on receipt of documents as per Rule 131 of the Petroleum Rules 2002. After scrutiny of the specification and plans, the prior approval was issued as per the provisions of the said Rule to the 5th respondent. The organisation of the first respondent is only administering the provisions of Petroleum Rules, 2002 and rule making power is not vested with PESO. The communication issued by the first respondent is only for taking corrective action by the 5th respondent for making subsequent applications if any additions/alterations are required in future under the



provisions of Petroleum Rules, 2002.

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4.In the counter affidavit filed by the second respondent/ Commissioner of Police, Trichy City, it has been stated that based on the enquiry reports of the Assistant Commissioner of Police, Intelligence Section, Traffic and Cantonment Range, Trichy City and the Inspector of Police, E.Pudur, Police Station issued no objection certificate on 17.08.2023 to the Deputy General Manager, Retail, Hindustan Petroleum Corporation Limited under Rule 144 of the Petroleum Rules 2002 in the format as prescribed in the notification dated 02.09.2021 of the Gazette of India.

5.The learned counsel appearing for the petitioner would submit the 5th respondent in WP.(MD)No.22511 of 2025 had submitted a forged copy of the no objection certificate issued by the second respondent / Commissioner of Police to obtain the impugned licence from the first respondent. The no objection certificate from the second respondent had issued in the format, which is not prescribed under the relevant Rules at the point of time. The no objection certificate from the Commissioner of



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Police that has been submitted by the 5th respondent before the first respondent to obtain the impugned license dated 17.08.2023, whereas, the format which came into existence only on 04.03.2024, pursuant to the amendment to Rule 144(7) of the Petroleum Rules, 2002 vide the Gazette notification No.142 dated 04.03.2024. If no objection certificate was issued by the second respondent on 17.08.2023, it should have been in the pre-amended format, existing since 10.03.2018. The first respondent who should have verified whether the no objection certificate submitted by the 5th respondent was in the mandatory format in force as prescribed for issuing no objection certificate under Rule 144(7) of the Petroleum Rules, 2002, had blindly accepted the forged/fabricated copy of the no objection certificate without verification and issued the impugned licence.

6.The learned counsel would further submit that the Central Pollution Control Board has prescribed siting criteria for new petroleum retail outlets vide office memorandum dated 07.01.2020 wherein a minimum distance of 50 meter and concessionary distance of 30 meter, with prescribed additional safety measures, have been mandated for



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operating petroleum retail outlets near to residential area, whereas in the instant case, the distance of the proposed site is only 10 to 20 meter from the surrounding residential plots/premises. The proposed site is situated at an intersection on the State Highway as against the prescribed prohibited distance of 100 meter from any nearest road intersection as per G.O.(Ms)No.25, Highways and Minor Ports (HN2) Department dated 24.04.2022 as amended vide GO.(Ms)No.121 dated 12.09.2023. Rule 131.2 of the Petroleum Rules, 2002 contemplates an enquiry by the first respondent before issuing Site Plan Approval to the 5th respondent but no such enquiry has been conducted in accordance with law in the instance case.

7.Per contra, the learned Senior Counsel appearing for the Regional Manager, Hindustan Petroleum Corporation Limited would submit that the petitioner has not come with clean hands. In an earlier occasion, a writ petition was filed as public interest litigation in WP. (MD)No.29567 of 2023 challenging the order dated 31.10.2023 issued by the first respondent herein. The said writ petition on the contest was dismissed on merits by this Court, on 25.10.2024 in favour of the



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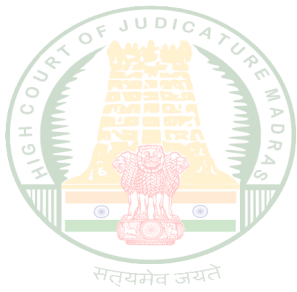
Corporation. In the aforesaid writ petition, the issues pertaining to the violations of distance norms, applicability of G.O.(Ms)No.25 dated 24.02.2022 and enquiry by the authorities before granting of no objection certificate have already been conclusively decided by this Court. Therefore, challenge on the similar ground cannot be raised again and the same is barred by principles of constructive res judicata. The proposed outlet area is not a residential area but it is non-planning area and is in mixed residential and industrial area. The Commissioner of Police, Trichy City after following the guidelines laid down in the judgments of the Hon'ble Apex Court and the Central Pollution Control Board siting criteria have been followed and after due inspection, the Commissioner of Police and Additional District Magistrate, Trichy under Rule 144 of Petroleum Rules 2002. Right to life of the residents has already been protected by the provisions of Rule 144(7) wherein various factors which are to be covered while granting no objection certificate are already covered. The outlet has been commissioned and has started sales from 14.07.2025. No objection certificate has been granted after completion of due enquiry and the same has been upheld in WP.(MD)No.29567 of 2023. Since the petitioner has not chosen to challenge the no objection



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certificate issued by the second respondent, the writ petition challenging the order of the competent authorities is not maintainable.

8. In response, the learned counsel for the petitioner would submit that the present writ petition has been filed by the different petitioner and the grounds taken are not considered by this Court in the earlier writ petition. Since the cause of action is different, the principle of *res judicata* does not apply. He has relied on the judgement of the Hon'ble Supreme Court reported in **2003 8 SCC 319, Ram Chandra Singh vs Savitri Devi And Ors** to show that a judgment and decree has been obtained by practising fraud on the court it is trite that the principles of *res-judicata* shall not apply. It is not in dispute that the present writ petition has been filed challenging the licence issued by the authorities concerned and the earlier writ petition has been filed by some other person challenging the no objection certificate and the licence. In the instant case, the petitioner has raised serious allegations of fraud in issuing no objection certificate and licence, even before the commencement of construction work in the subject place.



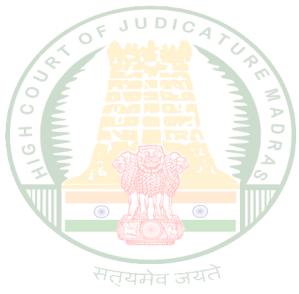
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9. We have considered the submissions made on either side and perused the records carefully.

10. According to the petitioner, no objection certificate is a forged/ fabricated one and there is no enquiry was conducted. Subsections (1) & (5) of Section 144 of the Petroleum Rules, 2002 deals about the grant of no objection certificate. The said Rule is extracted hereunder:-

(1) Where the licensing authority is the Chief Controller or the Controller, as the case may be, an applicant for a new licence other than a licence in Forms III, XI, XVII, XVIII, or XIX shall apply to the District Authority with two copies of the site-plan showing the location of the premises proposed to be licensed for a certificate to the effect that there is no objection, to the applicant receiving a licence for the site proposed and the District Authority shall, if he sees no objection, grant such certificate to the applicant who shall forward it to the licensing authority with his application Form IX.

(5) The District Authority shall complete his inquiry for issuing no objection certificate (NOC) under sub-rule (1) and shall complete the action for issue or refusal of the NOC, as the case may be, as expeditiously



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as possible but not later than three months form the date of receipt of application by him.

11.It is seen from the counter affidavit filed by the second respondent/Commissioner of Police, Trichy City that while passing the impugned permission, suitable directions were issued to the Assistant Commissioner of Police, Intelligence Section, Traffic and Cantonment Range, Trichy City, Inspector of Police, E.Pudhur Police Station, Trichy City to conduct field enquiry on the proposed retail outlet. Accordingly, the Assistant Commissioner, Intelligence Section, Trichy City had conducted field enquiry and has submitted his report dated 15.05.2023 wherein he has recommended to operate a new petroleum retail outlet on Edamalaipatti Pudur in the petition mentioned land. The Inspector of Police, Edamalaipatti Pudur Police Station, Trichy City has also conducted field enquiry and submitted his enquiry report dated 14.06.2023 wherein he has no objection to operate a new petroleum retail outlet. The Assistant Commissioner of Police, cantonment range, Trichy City had conducted field enquiry and submitted his enquiry report dated 06.07.2023 wherein he has no objection to operate petroleum retail



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outlet. Based on the enquiry report of the Assistant Commissioner, Intelligence Section, Traffic and Cantonment Range, Trichy City, Inspector of Police, E.Pudur Police Station, Trichy City, the Commissioner has issued the no objection certificate, on 17.08.2023 to the Deputy General Manager-Retail, Hindustan Petroleum Corporation Limited, under Rule 144 of the Petroleum Rules, 2002 in the format as prescribed in the notification dated 02.09.2021 of the Gazette of India Petroleum (Amendment) Rules, 2021.

12.It is pertinent to mention that the impugned licence dated 17.08.2023 came to be issued by the first respondent on the basis of the no objection certificate issued by the second respondent, as per Rule 144 of the Petroleum Rules, 2002 in the format prescribed in the notification dated 02.09.2021, whereas the format, which came into existence only on 04.03.2024, whereas, the format relied on by the writ petitioner came into existence on 04.03.2024, pursuant to the amendment to the Rule 144(7) of the Petroleum Rules, 2002, vide Gazette notification No.142 dated 04.03.2024. Therefore, the no objection certificate was issued according to the Rule 144 of the Petroleum Rules 2002 in the format



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prescribed in the notification dated 02.09.2021 of Gazette of India and not according to the Petroleum (Amendment) Rules, 2024. In view of the above, the contention of the writ petitioner that no objection certificate is forged/fabricated one is not acceptable one.

13.The third respondent/Joint Chief Environmental Engineer, Tamilnadu Pollution Control Board has filed a counter affidavit wherein paragraph No.7 reads as under:-

7. It is respectfully submitted that based on the writ petition the alleged site was inspected by the 3rd respondent on 15.10.2025, the observation reads as follows:

- i. The petroleum outlet is not under operation.*
- ii. There are 3 numbers of underground storage tanks, 3 numbers of fill point/dispensing units and 12 numbers of dispenser hose.*
- iii. There is Diesel Generator with the capacity of 15 KVA.*
- iv. The outlet is surrounded by the following:*

<i>North</i>	<i>Ganga Nagar 2nd Street and followed by residence in close proximity, approximately within 10 meters.</i>
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<i>South</i>	<i>"VIP tower" a commercial complex building.</i>
<i>East</i>	<i>Trichy Madurai main road approximately within 10 meters.</i>
<i>West</i>	<i>Vacant Land</i>

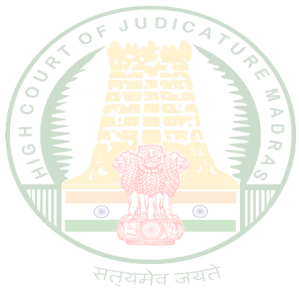
v. There are no schools, Hospitals (10 beds and above) within 50-meter radial distance of unit's premises.

vi. The distance from dispenser unit to the nearest residential building is within 30 meters.

14.It is seen from the records that the Central Pollution Control Board in its official memorandum dated 07.01.2020 has issued guidelines for setting up new petrol pumps in compliance of Hon'ble NGT order dated 18.01.2019 in OA.No.86 of 2019, Gyanprakash @ Pappu Singh Vs. Gol & Ors, wherein, in Clause 'H' deals about the siting criteria of retail outlets, which reads as follows:-

"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.



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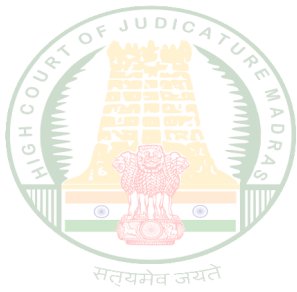


In case of constraints in providing 50 meters distance, the retail outlet shall implement additional safety measures as prescribed by PESO. In no case the distance between new retail outlet from schools, hospitals (10 beds and above) and residential area designated as per local laws shall be less than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

A reading of the above official memorandum reveals that in case of siting criteria for new retail petroleum outlet shall not be located in the radial distance of 50 meters from school, hospital and residential area designated as per the local law.

15.It is relevant to extract Rule 33 and Annexure XVIII of the Tamil Nadu Combined Development and Building Rules 2019, which reads as under:-

33.Zoning Regulations.— The Zoning Regulations shall comprise of Residential use zone, Commercial use zone, Industrial use zone, Special and Hazardous use zone, Institutional use zone, Open Space and Recreational use zone, Urbanisable use zone and Agricultural use zone and the activities permissible in each use zone are provided in Annexure - XVIII.



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Annexure – XVIII
[See rule 33]
Zoning Regulations

Residential use zone

(1) In this zone buildings or premises shall be permitted only for the following purposes and accessory uses. Permissible non-residential activity shall be limited to one in a sub-division.

xxii) Fuel filling stations, and automobile service stations with installation not exceeding 30 HP.

16.By invoking the aforesaid Rule in the non-residential activity is permissible subject to the conditions mentioned in Annexure XVIII with regard to the fuel filling stations and automobile stand with installation not exceeding 30 HP is permissible. Therefore, the contention of the petitioner that the permission cannot be granted in residential zone is not acceptable one.

17.It is to be noted that Scientist 'F' and Head Air Quality Management Division had issued Office Memorandum dated 16.09.2024



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with regard to the siting criteria for setting up of new petrol pumps wherein Clause 3 reads as under:-

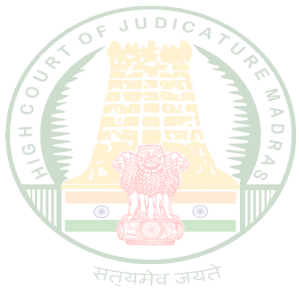
“3.Considering the views of the Expert Committee, the following is recommended:-

i.SPCBs/PCCs to take up the matter for classification of areas in their State, under the extant Rules/Regulations/Byelaws for implementation of the siting criteria, with State Governments

ii.State Govt. to permit setting up of new petrol pumps strictly as per the siting criteria prescribed in local bye-laws (in case of unclassified areas, non-planning areas, mixed zone, commercial zone) and taking into account the CPCB guidelines dated 07.01.2020.

iii.SPCBS/PCCs to ensure implementation of all environment protection and control measures including VRS installation, provision of double containment walls, leakages and spillage detection and control systems, groundwater and soil quality monitoring, etc., as prescribed in CPCB guidelines dated 07.01.2020 and addendum dated 16.08.2021.

iv. State Govt. to ensure implementation of various



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safeguards for safety, fire hazard, traffic movement, etc. prescribed by PESO or any other agency designated by the State Government for giving approvals for establishment of petrol pumps, besides additional measures as prescribed by the SPCB/PCC”.

18.It is to be noted that the safety and public health norms are prescribed under the Petroleum Rules 2002 and the Central Pollution Control Board had issued siting and other mandatory criteria for new petroleum outlet vide circular dated 07.01.2020. In order to ensure the safety and public health norms, even at the time of grant of final licence, it would still be the duty of the respondents to ensure that the retail outlet satisfy all the mandatory norms and if any doubt arises, site inspection can be made.

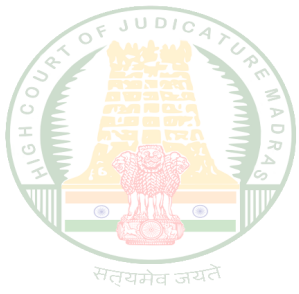
19.A perusal of the records, it is seen that the first respondent, who have granted site approval on 23.11.2022, under Rule 131 of Petroleum Rules, 2002, after scrutiny of the plan submitted. The final explosive licence dated 31.10.2023 was issued upon the completion of the examination of the applications submitted including no objection



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certificate. Thus, from perusal of the available records, there is no prima facie material to show that there is an violation of Rule 131 or Rule 141 of Petroleum Rules, 2002.

20.It is to be noted that G.O.(Ms)No.25, dated 24.02.2022, which prescribes petrol pump outlets within 100 meters of road intersection of State Highway was one of the ground in the earlier writ petition filed by one Mr.B.Karthik in WP.(MD)No.29567 of 2013 and the same was dismissed on merits by this Court, vide order dated 25.10.2024. Hence, this Court is of the view that while implementing the Rules and Regulations, the authorities are duty bound to consider the right to life of the citizen of the nearby locality is also been taken care of and protected. Though the petitioner has raised several objections, he has not made prima facie case to interfere with the impugned Final Explosive Licence dated 31.10.2023 issued by the first respondent to the fifth respondent. There is no merits in these writ petitions and the same is liable to be dismissed.



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21. In the result, these writ petitions are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[N.S.K., J.] & [M.J.R., J.]
30.04.2026

NCC : Yes / No
Index : Yes / No
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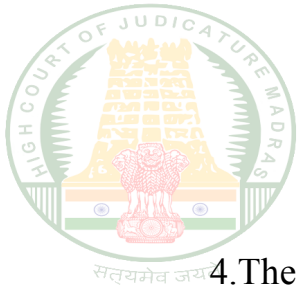
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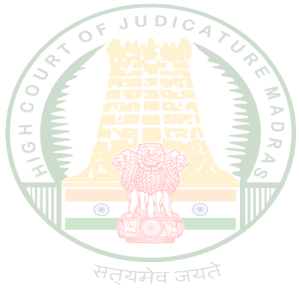
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N.SATHISH KUMAR,J.
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gns

Pre-Delivery Judgement made in
WP.(MD)Nos.19819 & 22511 of 2025

30.04.2026