VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MR.JUSTICE BASANT BALAJI

THURSDAY, THE 12TH DAY OF NOVEMBER 2026 / 21ST KARTHIKA, 1948

WA NO. 1628 OF 2026

AGAINST THE JUDGMENT DATED 01.07.2026 IN WP(C) NO.46600 OF 2025 OF HIGH COURT OF KERALA

APPELLANTS/RESPONDENT NO.15 IN THE WP(C):

NASEEF MEETHALE PAINGOL, S/O. KUNHALI P, KALLACHI, VADAKARA VANIMEL, KOZHIKODE, PIN - 673506

SMT.ALINA ANNA KOSE
SMT.AKHILA S.
SMT.KARTHIKA GANESH
SHRI.VISHNU PRASAD N.K.
SMT.SANDHRA MARIA SEBASTIAN
SMT.JAYALAKSHMI G. NAIR
SHRI.SHERON WILLIAMS
SHRI.ARUN THAMPI M.K.
SHRI.BINSAL P. A.
SHRI.MUKHENDHU MARSHAN A.
SHRI.M.R.HARIRAJ (SR.)

RESPONDENTS/PETITIONERS AND RESPONDENTS 1 TO 14 AND 16 TO 17 IN WPC:

1 SREEKANDHAN R, AGED 55 YEARS, S/O. BHASKARAN R, RESIDING AT SREENANDANAM, CHUNGAM, THALASSERY, ERANHOLI,KANNUR DISTRICT, MANAGER, PINARAYI GANAPATHI VILASAM BASIC UPPER PRIMARY SCHOOL, PINARAYI, KANNUR - 670107

2 RAJESWARI O.C., AGED 75 YEARS, W/O. PADMANABHAN, RESIDING AT PARAG, PINARAYI, KANNUR DISTRICT - 670741

3 K.M.JAYARAJAN, AGED 64 YEARS
S/O. A.GOVINDAN NAMBIAR, RESIDING AT ATHUL, KIZHAKKUMBHAGAM, PINARAYI, KANNUR.PIN - 670741

VERDICTUM.IN

4 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF PETROLEUM AND NATURAL GAS, SHASTHRI BHAVAN, NEW DELHI, PIN - 110001

5 STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695001

6 THE DISTRICT COLLECTOR
CIVIL STATION, CIVIL STATION ROAD, KANNUR, PIN - 670002

7 THE SUB COLLECTOR/ADDITIONAL DISTRICT MAGISTRATE, DISTRICT COLLECTORATE OFFICE, CIVIL STATION, KANNUR, PIN - 670002

8 THE TAHASILDAR, TALUK OFFICE, DISTRICT COLLECTORATE , CIVIL STATION, KANNUR, PIN - 670002

9 THE CENTRAL POLLUTION CONTROL BOARD
PARICESH BHAVAN, EAST ARJUN NAGAR, DELHI, REPRESENTED BY ITS CHAIRMAN, PIN - 110032

0 THE ENVIRONMENTAL ENGINEER
KERALA STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE, 6TH FLOOR, RUBCO HOUSE, SOUTH BAZAR, KANNUR - 670002

11 PINARAYI GRAMA PANCHAYAT
REPRESENTED BY SECRETARY, PINARAYI GRAMA PANCHAYAT, PANCHAYAT OFFICE ROAD, PINARAYI, KANNUR, PIN - 670741

12 THE SECRETARY, PINARAYI GRAMA PANCHAYAT, PANCHAYAT OFFICE ROAD, PINARAYI, KANNUR, PIN - 670741

13 THE COMMISSIONER OF POLICE, OFFICE OF THE COMMISSIONER OF POLICE, TALAP, KANNUR, PIN - 670002

14 TERRITORY MANAGER (RETAIL)
BHARAT PETROLEUM CORPORATION LIMITED, CALICUT RETAIL TERRITORY, YMCA ROAD, KOZHIKODE, PIN - 673001

15 CHIEF CONTROLLER OF EXPLOSIVES
PETROLEUM AND EXPLOSIVES SAFETY ORGANIZATION (PESO), A-BLOCK, 5TH FLOOR, CGO COMPLEX, SEMINARY HILLS, NAGPUR, PIN - 440006

VERDICTUM.IN

16 JOINT CHIEF CONTROLLER OF EXPLOSIVES
SOUTH CIRCLE, PETROLEUM AND EXPLOSIVES SAFETY ORGANIZATION (PESO), A&D-WING, BLOCK-1-8, 2ND FLOOR, SHASTRI BHAVAN, 26 HADDOWS ROAD, NUMGAMBAKKAM, CHENNAI, TAMILNADU., PIN - 600006

17 DEPUTY CHIEF CONTROLLER OF EXPLOSIVES
PETROLEUM AND EXPLOSIVES SAFETY ORGANIZATION (PESO), KENDRIYA BHAVAN, C2-IIIRD FLOOR, COCHIN SPECIAL ECONOMIC ZONE, KAKKANAD, ERNAKULAM, PIN - 682037

18 THE SUPERINTENDENT,
ANTI-CORRUPTION BUREAU, OFFICE OF THE SUPERINTENDENT OF ANTI-CORRUPTION BUREAU, KOZHIKODE, PIN - 673001

19 THE SECRETARY TO GOVERNMENT OF INDIA MINISTRY OF COMMERCE AND INDUSTRY, EXPLOSIVES SECTION, UDYOG BHAVAN, NEW DELHI-110011.
MINISTRY OF COMMERCE AND INDUSTRY, EXPLOSIVES SECTION, UDYOG BHAVAN, NEW DELHI, PIN - 110011

SRI.K.M.JAMALUDHEEN
O.M.SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA
SMT.NAZEEBA O.H., SR.GP
SHRI.M.GOPIKRISHNAN NAMBIAR
SHRI.K.JOHN MATHAI
SRI.JOSON MANAVALAN
SRI.KURYAN THOMAS
SHRI.PAULOSE C. ABRAHAM
SHRI.RAJA KANNAN
SMT.LATHA PRABHAKARAN
SMT.ANJANA K.
SMT.LISHA.M.G.
SHRI.SANTHOSH MATHEW (SR.)

THIS WRIT APPEAL HAVING COME UP FOR HEARING ON 12.11.2026, ALONG WITH WA.1587/2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MR.JUSTICE BASANT BALAJI

THURSDAY, THE 12TH DAY OF NOVEMBER 2026 / 21ST KARTHIKA, 1948

WA NO. 1587 OF 2026

AGAINST THE JUDGMENT DATED 01.07.2026 IN WP(C) NO.46600 OF 2025 OF HIGH COURT OF KERALA

APPELLANTS/11TH RESPONDENT:

TERRITORY MANAGER (RETAIL)
BHARAT PETROLEUM CORPORATION LIMITED CALICUT RETAIL TERRITORY YMCA ROAD, KOZHIKODE, PIN - 673001

SHRI.M.GOPIKRISHNAN NAMBIAR
SHRI.K.JOHN MATHAI
SRI.JOSON MANAVALAN
SRI.KURYAN THOMAS
SHRI.PAULOSE C. ABRAHAM
SHRI.RAJA KANNAN
SRI.E.K.NANDAKUMAR (SR.)

RESPONDENTS/PETITIONERS AND RESPONDENTS 1 TO 10 AND 12 TO 17:

1 **SREEKANDHAN R, AGED 55 YEARS**
S/O BHASKARAN R, RESIDING AT SREENANDANAM CHUNGAM, THALASSERY, ERANHOLI, KANNUR DISTRICT, MANAGER, PINARAYI GANAPATHI VILASAM UPPER PRIMARY SCHOOL, PINARAYI, KANNUR, PIN – 670107

2 **RAJESWARI O.C., AGED 75 YEARS**
W/O. PADMANABHAN, RESIDING AT PARAG, PINARAYI, KANNUR DISTRICT. PIN - 670741

VERDICTUM.IN

3 K.M.JAYARAJAN, AGED 64 YEARS
S/O. A.GOVINDAN NAMBIAR, RESIDING AT ATHUL, KIZHAKKUMBHAGAM, PINARAYI, KANNUR PIN - 670741

4 UNION OF INDIA
REPRESENTED BY ITS SECRETARY, MINISTRY OF PETROLEUM AND NATURAL GAS, SHASTHRI BHAVAN, NEW DELHI, PIN - 110001

5 STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

6 THE DISTRICT COLLECTOR
CIVIL STATION, CIVIL STATION ROAD, KANNUR, PIN - 670002

7 THE SUB COLLECTOR
/ADDITIONAL DISTRICT MAGISTRATE, DISTRICT COLLECTORATE OFFICE, CIVIL STATION, KANNUR, PIN - 670002

8 THE TAHASILDAR, TALUK OFFICE, DISTRICT COLLECTORATE , CIVIL STATION, KANNUR, PIN - 670002

9 THE CENTRAL POLLUTION CONTROL BOARD
PARICESH BHAVAN, EAST ARJUN NAGAR, DELHI, REPRESENTED BY ITS CHAIRMAN, PIN - 110032

10 THE ENVIRONMENTAL ENGINEER
KERALA STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE, 6TH FLOOR, RUBCO HOUSE, SOUTH BAZAR, KANNUR - 670002

11 PINARAYI GRAMA PANCHAYAT
REPRESENTED BY SECRETARY, PINARAYI GRAMA PANCHAYAT, PANCHAYAT OFFICE ROAD, PINARAYI, KANNUR, PIN - 670741

12 THE SECRETARY, PINARAYI GRAMA PANCHAYAT, PANCHAYAT OFFICE ROAD, PINARAYI, KANNUR, PIN - 670741

13 THE COMMISSIONER OF POLICE, OFFICE OF THE COMMISSIONER OF POLICE, TALAP, KANNUR, PIN - 670002

14 CHIEF CONTROLLER OF EXPLOSIVES, PETROLEUM AND EXPLOSIVES SAFETY ORGANIZATION (PESO), A-BLOCK, 5TH FLOOR, CGO COMPLEX, SEMINARY HILLS, NAGPUR - 440006

15 JOINT CHIEF CONTROLLER OF EXPLOSIVES

VERDICTUM.IN

SOUTH CIRCLE, PETROLEUM AND EXPLOSIVES SAFETY ORGANIZATION (PESO), A&D-WING, BLOCK-1-8, 2ND FLOOR, SHASTRI BHAVAN, 26 HADDOWS ROAD, NUMGAMBAKKAM, CHENNAI, TAMILNADU., PIN - 600006

16 DEPUTY CHIEF CONTROLLER OF EXPLOSIVES PETROLEUM AND EXPLOSIVES SAFETY ORGANIZATION (PESO), KENDRIYA BHAVAN, C2-IIIRD FLOOR, COCHIN SPECIAL ECONOMIC ZONE, KAKKANAD, ERNAKULAM, PIN - 682037

17 NASEEF MEETHALE PAINGOL, S/O. KUNHALI P, KALLACHI, VADAKARA VANIMEL, KOZHIKODE, PIN - 673506

18 THE SUPERINTENDENT, ANTI-CORRUPTION BUREAU, OFFICE OF THE SUPERINTENDENT OF ANTI-CORRUPTION BUREAU, KOZHIKODE, PIN - 673001

19 THE SECRETARY TO GOVERNMENT OF INDIA MINISTRY OF COMMERCE AND INDUSTRY, EXPLOSIVES SECTION, UDYOG BHAVAN, NEW DELHI-110011.
MINISTRY OF COMMERCE AND INDUSTRY, EXPLOSIVES SECTION, UDYOG BHAVAN, NEW DELHI, PIN - 110011

SRI.K.M.JAMALUDHEEN
SHRI.GOVIND P., CGC
SMT.ALINA ANNA KOSE
SMT.LATHA PRABHAKARAN
SMT.ANJANA K.
SHRI.SANTHOSH MATHEW (SR.)
SMT.AKHILA S.
SMT.KARTHIKA GANESH
SHRI.VISHNU PRASAD N.K.
SMT.SANDHRA MARIA SEBASTIAN
SMT.JAYALAKSHMI G. NAIR
SHRI.SHERON WILLIAMS
SHRI.ARUN THAMPI M.K.
SMT.MUFEEDA JANNATH E. M.
SHRI.MUKHENDHU MARSHAN A.
SHRI.BINSAL P. A.
SMT.SEEMA C.M.
SMT.ROBY RAJAN

THIS WRIT APPEAL HAVING COME UP FOR HEARING ON 12.11.2026, ALONG WITH WA.1628/2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VERDICTUM.IN

'CR'

JUDGMENT

[WA Nos.1628/2026, 1587/2026]

Devan Ramachandran, J.

The aforesaid two appeals have been heard by us together and are being disposed of jointly through this judgment, since the factual factors involved are identical; while the legal issues projected are analogous.

2. W.A No.1628/2026 has been filed by a person ('Dealer') who intends to establish a Retail Petroleum Outlet ('RPO'), on the strength of a Letter of Intent issued to him by the Bharat Petroleum Corporation Limited ('BPCL').

3. As far as WA No.1587/2026 is concerned, it is filed by the Territory Manager of 'BPCL'.

4. Both the appeals impugn the judgment of the learned Single Judge in W.P(C) No. 46600/2025.

5. A few germane facts require to be noticed first:

6. The 'Dealer', after obtaining the Letter of Intent from the 'BPCL', applied to the Petroleum and Explosives Safety Organisation (‘PESO’) for approval of the site plan of the proposed 'RPO', which was

VERDICTUM.IN

granted; however, the statutory No Objection Certificate ('NOC') under Rule 144 of the Petroleum Rules, 2002 ('Rules', for short), was refused by the competent District Authority —which, in the present case, is the Additional District Magistrate ('ADM').

7. The 'Dealer' then approached this Court through two successive writ petitions, namely W.P.(C) No. 29609/2024 and W.P.(C) No.35706/2024. The judgments in both cases directed the 'ADM' to reconsider the matter, adverting to the directions and observations contained therein.

8. However, in the meanwhile, the site plan of the 'RPO' was modified by the 'Dealer', which also obtained approval of the 'PESO'. Thereafter, he again sought the 'NOC' from the 'ADM'; which the said Authority granted, through order dated 06.10.2025.

9. The writ petitioners - the first of whom is stated to be the Manager of a school situated in the vicinity of the proposed 'RPO'; and the others to be residents of the locality - filed the writ petition, seeking that the 'NOC' issued by the 'ADM' be set aside, contending that the mandatory distance rules had been altered by the declarations in the judgment of the learned Single Judge of this Court in **Ashwin Abraham Cherian v. Hindustan Petroleum Corporation Ltd.** [2026 (1) KHC 172].

10. Apparently, being alerted by the turn of events, the 'Dealer'

submitted a third site plan before the 'PESO', which was also approved by the latter on 02.03.2026. In this plan, apart from other minor modifications, the position of the “Fuel Dispensing Unit” was altered, to cater to the requisites of the distance rules.

11. The writ petition was, thereafter, heard by the learned Single Judge, who, adverting to the factum of the third site plan and the approval granted thereto by the ‘PESO’, disposed it of through the impugned judgment, directing the 'ADM' to consider the grant of 'NOC', also taking into account the comments offered by the police.

12. The 'Dealer' and the 'BPCL' are in appeal because, according to them, the learned Single Judge has not merely set aside the 'NOC' issued by the 'ADM', but has also ordered the 'ADM' to conduct a fresh *de novo* enquiry, adverting even to subsequent developments, thus reducing the processes in a virtual flux. They vehemently contend that a fresh 'NOC' by the 'ADM', consequent to the approval of the third site plan by the 'PESO', is unnecessary since, all that has been changed therein is the location of the “Fuel Dispensing Unit” from one side of the plot to the other, so as to conform to the distance rules, as clarified in **Ashwin Abraham** (*supra*).

13. Sri. M.R. Hariraj, learned Senior Counsel, instructed by Smt. Akhila S. - learned counsel for the 'Dealer'/appellant in WA No.

1628/2026, pointedly argued that, when the “ADM” has already approved the site plan, a further 'NOC' from the said Authority, merely because the proposed location of the “Fuel Dispensing Unit” has been shifted from one side to the other, is unnecessary. He then made an alternative submission that, even assuming that a fresh 'NOC' is necessitated, the 'ADM' cannot be permitted to enter into a roving enquiry on all other aspects, since those have already been concluded by him while issuing the 'NOC' dated 06.10.2025. He, pleaded that this appeal be, therefore, allowed.

14. Sri.E.K.Nandakumar, learned senior counsel, instructed by Shilpi M.Lal – appearing for the BPCL/appellant in WA No.1587/2026, travelled along with the submissions of Sri.M.R.Hariraj; complementing it, referring to Rule 146 of the 'Rules', to argue that, when a drawing is altered, fresh approval from the 'ADM' is not necessary. He contended that, what is required under Rule 144 of the 'Rules', is only the approval of the site and not of the internal installations; and hence that the directions in the judgment are unnecessary, if not untenable.

15. Smt.Nazeeba O.H. – learned Senior Government Pleader, submitted that the District Collector, Kannur, has filed a statement, wherein, he has explained the manner in which the 'NOC' dated 06.10.2025 had been issued. She pointed out that the said Authority

VERDICTUM.IN

has obtained inputs from all Authorities, as necessary under Rule 144; and asserted that, it is only after evaluation of the same, that a final decision had been taken.

16. Sri.Santhosh Mathew, learned senior counsel, instructed by Sri.K.M.Jamaludheen - appearing for the writ petitioners, in response, argued that the above interpretation sought to be given in Rule 144 of the 'Rules' cannot be countenanced because, it is not merely the site which requires to be approved by the 'ADM', but also the location of the Fuel Dispensing Unit, as also the security compliance of the proposed RPO. He contended that, as evident from the report of the Police dated 30.07.2025 (produced as Ext.P12 along with WA No.1587/2026), the road leading to the proposed 'RPO' is so congested, that the establishment of the same on it would entail certain danger to the students of the school adjacent to it, as also to the residents of the locality. He insisted that the 'ADM' has a duty cast upon him, under Rule 144 of the 'Rules', not merely to mechanically approve a plan or a site, but also to ensure that the proposed 'RPO' will not create danger, nuisance or impediment to citizens, particularly the young, the old and the infirm. He thus supported the impugned judgment; and prayed that these appeals be dismissed.

17. Foundationally, the most relevant for our consideration is

the ambit of Rule 144 of the 'Rules'; for the purpose of the reading of which, it is extracted under:

> **144. No objection certificate** - (1) Where the licensing authority is the Chief Controller or the Controller, as the case may be, an applicant for a new license other than a license in Form 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 license 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 in Form IX.
>
> (2) Every certificate issued by the District Authority under sub-rule (1) shall be accompanied by a copy of the plan of the proposed site duly endorsed by him under his official seal.
>
> (3) The Chief Controller or the Controller, as the case may be, may refer an application not accompanied by certificate granted under sub-rule (1) to the District Authority for his observations.
>
> (4) If the District Authority, either on a reference being made to him or otherwise, intimates, to the Chief Controller or the Controller, as the case may be, that any license which has been applied for should not, in his opinion, be granted, such license shall not be issued without the sanction of the Central Government.
>
> (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 as possible but not later than three months from the date of receipt of application by him.
>
> (6) Where the location of storage of petroleum is within the notified area of a Port or Airport [for Railways] under the control of the state, or establishment of Indian Space Research Organisation or Department of Atomic Energy, NO OBJECTION CERTIFICATE from the District Authority referred to in sub-rules (1) to (5) shall not be required:
>
> Provided that consent for establishment of petroleum storage from the competent authority of concerned notified area or head of the establishment, as the case may be, is obtained.]

[(6-A) There shall be no requirement of No Objection Certificate from District Authority under sub-rule (1) for a licence in Form XIV forming a part of the CNG station licensed in Form "G" under the Gas Cylinder Rules, 2016 or Auto LPG dispensing station licenced in Form "LS-1B or LNG" dispensing station licensed in Form "LS1C" under the Static and Mobile Pressure Vessels (Unfired) Rules, 2016.]

[(7) The district authority shall issue a no objection certificate in the following proforma, namely:-

(proforma)

(1) The following particulars have been considered while issuing this no-objection certificate, that-

(a) comments from the Revenue Department on the issue, regarding the possession of the site by the applicant is lawful and there is an authorisation from the land owner or leaseholder for developing premises under these rules for storage of petroleum products;

(b) comments from the Police Department regarding traffic density and impact on traffic;

(c) comments from the concerned Municipal Corporation or Gram Panchayat of local area development authority as applicable, regarding the conformity of proposal to the local area development planning including schools, hospitals and mitigating measure, if any, is provided;

(d) comments from the National Highways Authority of India or Public Works Department or any other authority concerned regarding road safety, road alignment and road access conformity;

(e) comments from the Fire Department regarding accessibility of the site to the fire tenders in case of emergency and preparedness of fire services for combating the emergencies.

Signature of the district authority issuing no objection certificate with his office seal (in towns having a Commissioner of Police, the Commissioner or a Deputy Commissioner of Police and for any other place the District Magistrate)

Note. The licensing authority shall accept the no objection certificate within a period of three years from the date of its issue for considering the grant of licence.]"

18. As correctly asserted by Sri.Santhosh Mathew, the 'NOC'

issued by an 'ADM' is not a formality; or the culmination of a mechanical process; it surely cannot be allowed to be so either. There is a serious and important purpose behind Rule 144 of the 'Rules' because it is the District Authority — who is in charge of the area in question — who can understand and incisively assess ground realities, as also its necessities and requirements. The gravity of the exercise is manifested in sub-rule 7 of Rule 144 of the 'Rules', which requires the 'ADM', or other competent District Authority, to mandatorily obtain inputs from the Police Department regarding traffic density and impact on traffic; from the concerned Municipal Corporation, or Grama Panchayat, or Local Area Development Authority regarding conformity of the proposal to the local area development planning, adverting specifically to the existence of institutions like schools and hospitals; from National Highway Authority or Public Works Department *qua* safety, alignment and access of roads; and the Fire Department on accessibility of fire engines.

19. Pertinently, it is conceded by both sides, without any dispute, that there is a school immediately adjacent to the property now proposed to be the 'RPO'.

20. The responsibility of the District Administration, to ensure that the children in the school, as also other citizens, are sufficiently

kept away from harm, does not require restatement. This does not, however, mean that proposals are to be prohibited citing such protection; but that all relevant and germane inputs ought to be adverted to, carefully evaluated and finally coalesced to the ultimate aim of harmonising and reconciling conflicting interests.

21. In such perspective, we do not think that there can be any difference of opinion on the imperativeness of the 'ADM' to act implicitly in terms of Rule 144 of the 'Rules', nor is there any contention before us from any side, to the contrary.

22. The argument of Sri.M.R.Hariraj, that the third site plan does not require the approval of the 'ADM', solely because he had already “approved the site” based on the second such plan, through his order dated 06.10.2025, cannot appeal to us at all. This is because of the way Rule 144 of the 'Rules' was drafted.

23. The rigour of Rule 144 cannot be diluted or watered down, lest it may create catastrophic and cataclysmic consequences in future, on account of events which cannot be anticipated, particularly in the case of a highly inflammatory product like petroleum.

24. We are, therefore, with little doubt that even the third site plan, which has now obtained the approval of the 'PESO', will require to be vetted by the 'ADM' within the conspectus of Rule 144 of the 'Rules';

and a separate 'NOC'; if found eligible, issued for it. The earlier 'NOC' was not with respect to the site plan now available, but which has lost its moorings on account of the declarations in **Ashwin Abraham Cherian** (*supra*).

25. To paraphrase, the 'NOC' issued by the 'ADM' on 06.10.2025 was with reference not merely to the second site plan, but also to the proposed fixtures and installations within it, clear from the fact that the said Authority has mentioned therein that the Fuel Dispensing Unit and other safety requirements are within the stipulated distance, as applicable at that time.

26. When we thus examine the impugned judgment, the learned Single Judge has also traveled on the same lines as afore; directing the 'ADM' to reconsider the grant of 'NOC' to the 'RPO', as per the third site plan — which obtained the approval of 'PESO' on 02.03.2026; also adverting to comments and inputs of the police.

27. Nevertheless, we advert to the apprehension of Sri.E.K.Nandakumar and Sri.M.R.Hariraj – learned senior counsel for the appellants, that the 'ADM' may enter into a wholly new enquiry, calling for inputs and materials from the other Authorities; thus to proceed on a long process, which will lead to delay and confusion.

28. Here again, we find no real problem because the 'ADM' has,

VERDICTUM.IN

concededly, already obtained all the inputs from the competent Authority, including the Police, which is limpid from the fact that the comments from the latter are dated 30.07.2025, while the impugned 'NOC' was issued only on 06.10.2025. No doubt, in the now set aside 'NOC', the 'ADM' says that he visited the site but has not discussed anything *qua* the comments of the police; though Rule 144 of the 'Rules' stipulates that he must advert to all inputs enumerated in it.

29. All that we, consequently, require to do is to clarify that the 'ADM' will consider issuance of 'NOC' to the 'RPO' based on the third site plan — which has obtained the approval of the 'PESO' on 02.03.2026 — strictly in conformity with Rule 144 of the 'Rules', after assessing the inputs he has already received and those on his files, while he had issued the 'NOC' dated 06.10.2025.

It is so ordered; and the time frame for compliance of the directions is fixed to be six weeks from the date of receipt of a copy of this judgment.

Sd/- DEVAN RAMACHANDRAN
JUDGE

Sd/- BASANT BALAJI
JUDGE

stu

VERDICTUM.IN

APPENDIX OF WA NO. 1628 OF 2026

PETITIONER ANNEXURES

Annexure A1	**A TRUE COPY OF THE LETTER OF INTENT DATED 30/11/2023**
Annexure A2	**A TRUE COPY OF THE APPLICATION NO. TM.CLT.NRO23.NOC.KANNUR DATED 01.12.2023 BEFORE THE DISTRICT COLLECTOR, KANNUR**
Annexure A3	**THE SAID JUDGMENTS CLEARLY STATED THAT OBJECTIONS FROM NEIGHBOURS IS NOT A GROUND TO REFUSE NOC. A TRUE COPY OF JUDGMENT DATED 03/1/2024 IN WP(C) 43977/2023**
Annexure A4	**A TRUE COPY OF REJECTION ORDER BY PESO DATED 01/05/2024**
Annexure A5	**A TRUE COPY OF RELEVANT PAGES OF GUIDELINES ISSUED BY THE CPCB DATED 07/01/2020**
Annexure A6	**A TRUE COPY OF THE CIRCULAR ISSUED BY THE KERALA STATE POLLUTION CONTROL BOARD DATED 24/02/2020**
Annexure A7	**A TRUE COPY OF THE REJECTION ORDER BY ADDITIONAL DISTRICT MAGISTRATE DATED 10/09/2024**
Annexure A8	**A TRUE COPY OF THE APPROVAL BY PESO DATED 17/04/2025 ALONG WITH THE DRAWING DATED 03/04/2025**
Annexure A8(A)	**TRUE COPY OF ENLARGED LAYOUT DRAWING DATED 03/04/2025**
Annexure A9	**A TRUE COPY OF THE CLARIFICATION ISSUED BY CPCB DATED 27/11/2025**
Annexure A10	**TRUE COPY OF THE ENLARGED LAYOUT DRAWING DATED 12/02/2026**
Annexure A11	**A TRUE COPY OF NO OBJECTION CERTIFICATE ISSUED BY THE COMMISSIONER OF POLICE, KANNUR DATED 07/03/2024 ALONG WITH RETYPED COPY**

VERDICTUM.IN

APPENDIX OF WA NO. 1587 OF 2026

RESPONDENT ANNEXURES

ANNEXURE R6(b)	**copy of the inquiry report dated 16-08-2025 submitted by the Tahsildar, Thalassery,**
ANNEXURE R6(c)	**copy of the report dated 02-09-2025 submitted by the Executive Engineer, KRFB, Kannur**
ANNEXURE R6(d)	**A copy of the report dated 30-07-2025 submitted by the Commissioner of Police, Kannur City**
ANNEXURE R6(a)	**Tue copy of the judgment dated 02-07-2025 in WP(C) 35706/2024**
ANNEXURE R6(e)	**Proceedings of Additional District Magistrate Dated:06-10-2025**
ANNEXURE R6(f)	**No Objection Certificate (NOC) granted byAdditional District MagistrateDated 07-10-2025**