

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

Wednesday, the 13<sup>th</sup> day of August 2025 / 22nd Sravana, 1947

WP(C) NO. 9329 OF 2025

PETITIONERS:

1. PETROLEUM TRADERS WELFARE AND LEGAL SERVICE SOCIETY, TRINITY TOWER ANNEXURE, CHATHANGATTU ROAD, PALARIVATTOM, COCHIN- 682 025, REPRESENTED BY ITS CHAIRMAN LUKE THOMAS, S/O. THOMAS, AGED 68 YEARS, RESIDING AT MATTATHILPARAMBIL, KALATHIPADI PO., KOTTAYAM, PIN - 686010
2. SUDHA S, AGED 60 YEARS, D/O. DINESAN, PARAVANKUNNU, AMBALATHARA, MANACAUD P.O., THIRUVANANTHAPURAM, PIN - 695009
3. SREENIVSAN, AGED 56 YEARS ,S/O. VELAYUDHAN ASHARI, PARTNER OF V.R. AGENCIES, BPCL DEALER, KILLIPALAM, KARAMANA, THIRUVANANTHAPURAM, PIN - 695002
4. SYED M. KHAN, AGED 50 YEARS S/O. S.M.KHAN, PARTNER OF M/S. NANA AUTO FUELS, BPCL DEALER, EAST FORT, THIRUVANANTHAPURAM, PIN - 695036
5. S. PRABHAKARAN, AGED 78 YEARS S/O. SREEDHARA PANCIKER PRABHAKARAN, INDIAN OIL CORPORATION LTD. DEALER, KARAMANA, THIRUVANANTHAPURAM, PIN - 695002
6. V.R. SADANANDAN, AGED 77 YEARS S/O. LATE RAGHAVAN, PROPRIETOR OF 'BEST FUELS', DAMAYAM HOUSE, VENGALLOOR P.O., THODUPUZHA, IDUKKI DISTRICT, PIN - 685608

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY, LSG DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
2. THE THIRUVANANTHAPURAM MUNICIPAL CORPORATION, REPRESENTED BY ITS SECRETARY, CORPORATION OFFICE, VIKAS BHAVAN, UNIVERSITY OF KERALA SENATE HOUSE CAMPUS, PALAYAM, THIRUVANANTHAPURAM, KERALA, PIN - 695033
3. THE SECRETARY, THIRUVANANTHAPURAM MUNICIPAL CORPORATION, CORPORATION OFFICE, VIKAS BHAVAN, UNIVERSITY OF KERALA SENATE HOUSE CAMPUS, PALAYAM, THIRUVANANTHAPURAM, KERALA, PIN - 695033
4. THE DEPUTY CHIEF CONTROLLER OF EXPLOSIVES, OFFICE OF THE DEPUTY CHIEF CONTROLLER OF EXPLOSIVES, DOOR NO. 7-20-13, KIRLAMPUDY LAYOUT, VISAKHAPATNAM, ANDHRA PRADESH, PIN - 530017
5. THODUPUZHA MUNICIPALITY, REPRESENTED BY ITS SECRETARY, THODUPUZHA P.O. IDUKKI, PIN - 685584
6. ADDL. R6. UNION OF INDIA, MINISTRY OF URBAN HOUSING, REPRESENTED BY ITS CHIEF SECRETARY, REPRESENTED BY ITS CHIEF SECRETARY ,NIRMAN BHAWAN, MAULANA AZAD ROAD, NEW DELHI - 110011

(IS IMPEADED AS ADDITIONAL R6 PER ORDER DATED 27/03/2025 IN IA1/2025)

1. ADDL.R7. INDIAN OIL CORPORATION LIMITED, THIRUVANANTHAPURAM DIVISIONAL OFFICE, REPRESENTED BY ITS DIVISIONAL LPG HEAD THIRUVANANTHAPURAM DIVISIONAL OFFICE, PREMIER PARK GROUND FLOOR,

EANCHAKKAL BYE PASS ROAD, VALLAKKADAVU P O, KERALA , PIN: 695 008

(IS IMPEADED AS ADDL. R7 ASPER ORDER DATED 27.03.2025 IA/2/ 2025 IN WP(C) 9329/2025.)

1. ADDL.R8. BHARAT PETROLEUM CORPORATION LIMITED REPRESENTED BY STATE HEAD, IRIMPANAM INSTALLATION, CCK BUILDING, SEAPORT AIRPORT ROAD, KOCHI, KERALA

(IS IMPEADED AS ADDITIONAL R8 PER ORDER DATED 30/05/2025 IN IA 3/2025)

1. ADDL.R9.HINDUSTAN PETROLEUM CORPORATION LIMITED REPRESENTED BY ITS REGIONAL HEAD, PB NO 2425, KARSHAKA ROAD, KADAVANTHRA, KOCHI, ERNAKULAM, KERALA.

(IS IMPEADED AS ADDITIONAL R9 AS PER ORDER DATED 30/05/2025 IN IA 3/2025)

1. ADDL.R10.SUCHITWA MISSION, REPRESENTED BY EXECUTIVE DIRECTOR, GOVERNMENT OF KERALA LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT OF KERALA , PINCODE - 695 001.

(IS IMPEADED AS ADDL.R10 IN WP(C) 9329/2025 AS PER ORDER DATED 17.06.2025 IN IA.04/2025.)

1. ADDL.R11. SAKHI WOMEN'S RESOURCE CENTRE REPRESENTED BY SECRETARY CONVENT ROAD, VANCHIYOOR, THIRUVANANTHAPURAM, KERALA PIN 695035

(IMPEADED AS ADDITIONAL R11 AS PER ORDER DATED 5/08/2025 IN IA 7/2025 )

1. ADD.R12.LADY LAWYERS ASSOCIATION OF WAYANAD (LAWA) REPRESENTED BY ITS PRESIDENT, AD.SHEEBA MATHEW, D/O MATHEW, AGED 60 YEARS, ROCKGARDENS, KALPETTA P.O., KALPETTA AMSOM DESOM OF VYTHIRI TALUK, WAYANAD DISTRICT PIN 673576

(IMPEADED AS ADDITIONAL R12 AS PER ORDER DATED 5/08/2025 IN IA 8/2025)

1. ADDL. R13 MINISTRY OF PETROLEUM AND NATURAL GAS GOVERNMENT OF INDIA

(IS SUO MOTU IMPEADED AS ADDITIONAL R13 AS PER ORDER DATED 5/08/2025)

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the 1st and 2nd respondents to remove exhibits P2, P2(A), P2 (B), P2(D) from the premises of the retail outlet of the petitioners 2 to 5 herein and also to direct the 5th respondent to remove Exhibit P2 (C) from the premises of the retail outlet of the 6th petitioner; and thereby refrain from carrying out any acts in the nature of converting or portraying the private toilet maintained within the premises of the said retail outlet as a public toilet to be used by the general public as the same would fall foul of Article 300 A of the constitution of India; pending disposal of the WP(C).

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C), this court's order dated 05.08.2025 and upon hearing the arguments of M/S ADARSH KUMAR, K.M.ANEESH, SHASHANK DEVAN, YADU KRISHNAN P.M., Advocates for the petitioners, GOVERNMENT PLEADER for R1 and ADDL.R10, SRI.SUMAN CHAKRAVARTHY ,STANDING COUNSEL for R2 and R3, SMT. O.M. SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA for R4 and ADDL. R6, SRI.UNNIKRISHNAN V. ALAPPAT for R5, SRI.NITHIN GEORGE, M.V.HARIDAS MENON & RITHU JOSE Advocates for ADDITIONAL R7 and of M/S. GOPIKRISHNAN NAMBIAR, K.JOHN MATHAI, JOSON MANAVALAN, KURRYAN THOMAS, PAULOSE C. ABRAHAM and RAJA KANNAN for ADDL.R8 and ADDL.R9 and of M/S A PARVATHI MENON, MEERA R. MENON , BIJU MEENATTOOR , DEVIKA J.M, P.SANJAY, PAUL VARGHESE (PALLATH) KIRAN NARAYANAN, RAHUL RAJ P & MUHAMMED BILAL.V.A, ADVOCATES for ADDITIONAL R11 and ADDITIONAL R12, the court passed the following:

(PTO)



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**C.S.DIAS, J.****W.P.(C) No. 9329 of 2025****Dated this the 13<sup>th</sup> day of August, 2025****ORDER**

The learned Deputy Solicitor General of India seeks further time to place on record the counter-affidavit of the Ministry of Petroleum and Natural Gas. The learned Standing Counsel for respondents 8 and 9, the Bharat Petroleum Corporation Ltd. and the Hindustan Petroleum Corporation Ltd., also requests further time to file the counter-affidavits of the said respondents.

2. The State of Kerala, in its statement, has contended that, in terms of Annexure R1 (b) circular of the Ministry of Road Transport and Highways, access permission to Fuel Stations along the National Highways is granted only on the specific undertaking by the dealers that the facilities for drinking water and

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toilet shall be made available to the public round-the-clock and with a display board indicating the same.

3. The 7<sup>th</sup> respondent — Indian Oil Corporation — in its counter affidavit asserts that, as per the amended Marketing Discipline Guidelines, 2024, toilet facilities have to be accessible to all customers and transit travellers at all times, subject to adherence to safety protocols. However, there is no mandate that toilet facilities be open to the general commuters/public, and no penalty is imposed for restricting such access. The accessibility of toilets to persons other than employees, customers and transit travellers is left to the discretion of the retail outlet Dealer/Manager, bearing in mind the security and safety of hazardous products stored at the retail outlet. The sanitation and usability of the toilets at the retail outlets are closely monitored.

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4. The 11<sup>th</sup> respondent in their counter-affidavit has produced Ext.R11(b) Circular dated 26.12.2013 of the Ministry of Road Transport and Highways, which is similar to the Annexure R1(b) circular produced by the State.

5. I have heard the respective learned Counsel appearing for the parties.

6. The writ petition is filed by a registered association of petroleum retail outlet dealers seeking a declaration that the toilets at their petroleum retail outlet are private properties, and the respondents 2 and 5 — Thiruvananthapuram Municipal Corporation and Thodupuzha Municipality — are not authorised to convert or portray the toilets at the retail outlets as public toilets by placing display boards to that effect.

7. When the writ petition came up for admission on 17.06.2025, this Court passed an ad-interim order restraining the respondents 1, 2 and 5 from insisting

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that the petitioners permit the general public to use the washrooms in their retail outlets.

8. The petitioners' principal grievance is with the respondents 2 and 5, installing display boards at or near the entrance of their retail outlets, portraying the retail outlets as public toilets.

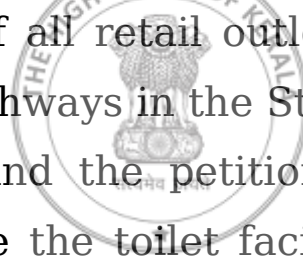
9. The learned Counsel for the petitioners and the Oil Marketing Companies do not dispute that, in terms of Annexure R1(b) circular of the Ministry of Road Transport and Highways, toilet facilities in the retail outlets on the National Highways shall be made accessible to the public round-the-clock, and that the amended Marketing Discipline Guidelines, 2024, mandate that the toilet facilities have to be accessible to all customers and transit travellers at all times, subject to adherence to safety protocols. Furthermore, they also affirm that they have no objection in permitting the general commuters/public to use the

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toilet facilities at the retail outlets, provided such use is subject to the discretion of the dealer and the user satisfies the safety protocols.

10. On a consideration of the materials on record and the rival submissions made across the Bar, the interim order dated 17.06.2025 is clarified and modified, by ordering as follows:

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- (i) In respect of all retail outlets situated along the National Highways in the State, the Oil Marketing companies and the petitioners shall permit the public to use the toilet facilities round-the-clock, and display a board at the entrance of the retail outlets indicating the availability of water and toilet facilities as per Annexure R1(b) Circular.
  - (ii) In respect of the retail outlets situated in locations other than on National Highways, the Oil Marketing companies and the petitioners shall permit the use of the toilet facilities round-the-clock by customers and transit travellers. They shall also permit general commuters/public to use the toilet facilities at the retail outlets, provided



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the user satisfies the safety protocols to the dealer's satisfaction.

- (iii) The respondents 2 and 5 are restrained from displaying any board indicating that the petitioners' retail outlets are public toilets.
- (iv) This order shall remain in force until further orders.

The respondents may file their counter-affidavits on or before the next posting date.

Post on 24.09.2025.



Sd/-

**C.S.DIAS, JUDGE**

dkr

**APPENDIX OF WP(C) 9329/2025**

<b>Exhibit R11(b)</b>	<b>True copy of the circular RW/NH-33023/19/99-D0III dated 26.12.2013.</b>
<b>Annexure R1(b)</b>	<b>True copy of the circular RW/NH-33023/19/99-D0III(Part) dated 26.12.2013 issued by the Ministry of Road Transport and High way</b>

