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WP-5713-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA,
ACTING CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 22nd OF JULY, 2026

WRIT PETITION No. 5713 of 2025

VIJAY BAJAJ

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Ms Alka Singh - Advocate for petitioner.

Shri Anoop Nair, Senior Advocate with Shri Mihit Lunawat -
Advocate for respondent No.3.

Shri Aditya Sharma - Advocate for respondent No.4.
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ORDER

Per. Pradeep Mittal J.

This petition, styled as a Public Interest Litigation and filed under Article 226 of the Constitution of India, has been preferred by the petitioner, who describes himself as an RTI activist and a resident of District Harda, assailing the No Objection Certificate (NOC) dated 30.12.2024 granted by the Sub Divisional Officer (Revenue), Harda in favour of respondent No.3 / Hindustan Petroleum Corporation Limited (HPCL), for establishment of a petrol/diesel retail outlet on land bearing Khasra No.60/4, P.H. No.10, Ward No.24, Village Kulharda, District Harda. The petitioner prays for issuance of



a writ of certiorari quashing the said NOC, for direction restraining construction and operation of the proposed outlet pending further orders, and for a direction to the respondents to conduct a fresh environmental and safety impact assessment before according any further approval.

2. The facts, briefly stated, are that respondent No.3, through its Deputy General Manager (Retail), Bhopal Regional Office, submitted an application dated 05.02.2024 seeking an NOC for the proposed outlet. Pursuant thereto, the Superintendent of Police, Harda called for a report from the Station House Officer concerned, permission was thereafter granted by the Superintendent of Police in favour of the dealer-applicant on 14.06.2024, by the Madhya Pradesh Pollution Control Board on 16.08.2024, by the Town and Country Planning Department, Narmadapuram on 05.08.2024, and by the Fire Department on 18.09.2024. A site inspection was conducted by the Sub Divisional Officer along with the Revenue Inspector and the Halka Patwari on 28.11.2024, and upon a subsequent report of the Revenue Inspector dated 06.12.2024, the impugned NOC came to be issued on 30.12.2024.

3. Learned counsel for the petitioner submits that the site chosen for the outlet is situated in the midst of a busy commercial and residential locality, in close proximity to a hospital, a diagnostic centre, a shopping mall and the bus stand, and that establishment of a petrol/diesel outlet at such a location is fraught with danger to the residents and passers by. It is further submitted that the NOC has been granted without there being any registered lease or ownership document in favour of respondent No.3 over the subject



land. That the distance of the nearest structure from the outlet has been incorrectly recorded as 83 feet as against the actual distance of 63 feet. That the Panchanama dated 21.03.2024 bears the signatures only of the landowner, the lessee and his father, without any independent witness, suggestive of collusion and that the checklist issued by the Directorate of Urban Administration and Development describes the adjoining land as vacant, though the petitioner claims to own land immediately to the east of the site. Reliance is placed on Rule 131(1)(iii) of the Petroleum Rules, 2002, which requires an applicant to furnish a map indicating all Protected Works within a radius of 100 metres of the proposed outlet, and on the definition of "Protected Area" under Rule 2(1)(xx) thereof. The petitioner also draws attention to a fire that occurred at the Brijnath Banshi petrol pump in Harda some years ago, resulting in contamination of two septic tanks, and to the fire cracker factory blast in Harda in February 2024 in which several lives were lost, to contend that establishment of fuel outlets in congested localities poses a recurring hazard.

We have heard the learned counsel for the petitioner at length and perused the record.

4. Before advertng to the merits, it is necessary to examine whether the petitioner possesses the locus standi to maintain the present petition as a Public Interest Litigation. The petition proceeds on the bald assertion that the petitioner is an RTI activist. No material has been placed on record to demonstrate any sustained record of public spirited or social activity undertaken by the petitioner in the area concerned, nor is there anything to



show that the petitioner approaches this Court free of any personal interest in the subject land or its vicinity.

5. The Division Bench of this Court in the case of Surendra Pratap Singh v/s The State of Madhya Pradesh & Others (Review Petition No.638 of 2017) has held that simply a self-serving statement that the petitioners are social workers is not sufficient to invoke the public interest writ jurisdiction of this Court unless they can produce on record to the satisfaction of the Court such social work in last couple of years is in the area concern. Paragraph – 8 of the said judgment is reproduced below:-

"8. Except for the averment in the petition that the petitioners are social workers, there is no assertion of their activity undertaken by them in the villages in question. Simple self-serving statement that the petitioners are social workers is not sufficient to invoke the public interest writ jurisdiction of this Court unless the petitioners are able to produce on record to the satisfaction of the Court such social work in last couple of years is in the area in respect of which the public interest writ petition is involved. A practice in the cases before this Court is to make a statement that the petitioners are social workers and they are spending the money including the lawyer's fee from their own pocket. That by itself does not satisfy the test of a locus standi to file public interest litigation. The public interest writ jurisdiction was intended to vindicate public interest where fundamental and other rights of the people who were poor, ignorant or in a socially or economically disadvantageous position and were unable to seek legal redress were required to be espoused."



6. Even otherwise, and without resting solely on the question of locus, the petition, in our considered opinion, is equally unsustainable on merits.

7. It is not in dispute that the impugned NOC has been granted by the Sub Divisional Officer (Revenue), Harda, being the competent authority under the Petroleum Rules, 2002, and that the same has been preceded by clearances/permissions from the Superintendent of Police, the Madhya Pradesh Pollution Control Board, the Town and Country Planning Department and the Fire Department, each acting within its own statutory domain. Once the competent statutory and expert authorities, after due application of mind, have granted the requisite clearances, it is not for this Court, in exercise of its writ jurisdiction under Article 226 of the Constitution, to re-appreciate the suitability of the site or to substitute its own assessment for that of the specialised bodies entrusted with the task, that exercise being beyond the scope of judicial review.

8. The Hon'ble Supreme Court, in Narmada Bachao Andolan Vs. Union of India, reported in (2000) 10 SCC 664, while dealing with a similar contention that a project ought to be reassessed by the Court on technical and environmental parameters, held that it is not the domain of the Court to go into the correctness or otherwise of a technical decision taken after due consideration by the expert bodies concerned, and that the Court's role is confined to examining the decision making process and not the merits of the decision itself. The same principle applies with equal force to the grant of the impugned NOC, which has been preceded by a site inspection by the Sub



Divisional Officer, the Revenue Inspector and the Halka Patwari, and by clearances from the Fire Department and the Pollution Control Board, each of which is the designated expert authority for the purpose.

9. The grievance regarding the discrepancy between the recorded distance of 83 feet and the petitioner's claimed distance of 63 feet, being essentially a dispute as to measurement on the spot, is a matter that fell squarely within the domain of the Revenue Inspector and the Sub Divisional Officer who conducted the site inspection, and does not, without more, establish either mala fides or an infraction of Rule 131(1)(iii) or Rule 2(1)(xx) of the Petroleum Rules, 2002 so as to warrant interference. Similarly, the fact that the Panchanama dated 21.03.2024 bears the signatures of the landowner, the lessee and his father, without an independent witness, does not by itself vitiate the proceeding. The petitioner has neither impleaded nor examined any person to substantiate the allegation of collusion, and a bare suspicion cannot take the place of proof in a public interest petition.

10. As regards the claim that the petitioner owns land immediately to the east of the proposed site, which the checklist of the Directorate of Urban Administration and Development describes as vacant, this, at best, raises a private dispute as to title or possession over an adjoining parcel, which is a matter to be agitated by the petitioner before the appropriate revenue or civil forum, and cannot be permitted to be converted into a public interest challenge to the NOC granted in favour of respondent No.3.

11. So far as the apprehension founded upon the fire cracker factory blast in Harda in February 2024 is concerned, the same, in our view, is not



analogous to the case at hand. That incident arose out of unregulated storage of explosive material in a residential locality, whereas the establishment of the present outlet is a regulated activity, permissible only upon compliance with the safeguards prescribed under the Petroleum Rules, 2002 and subject to continuing clearances from the Fire Department and the Pollution Control Board, non-compliance whereof would furnish an independent cause of action at the appropriate stage, but cannot justify quashing of an NOC granted after due process on a mere apprehension of hypothetical danger.

12. There is, moreover, an ever increasing demand for retail outlets of petrol and diesel occasioned by the growth in the number of motor vehicles, and such outlets, of necessity, have to be located within or in proximity to inhabited and commercially developed areas, that circumstance, by itself, cannot be treated as a ground for interference so long as the location has been found suitable by the competent and expert authorities after following the process prescribed by law, as has admittedly happened in the present case.

13. For the aforesaid reasons, we do not find any merit in the present petition, both on the ground of want of locus standi as well as on merits. The petition, being devoid of substance, is liable to be dismissed.

14. Accordingly, the writ petition stands dismissed.

(VIVEK RUSIA)
ACTING CHIEF JUSTICE

(PRADEEP MITTAL)
JUDGE