

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT**

THE HONOURABLE MR.JUSTICE C.S.DIAS

Tuesday, the 5th day of August 2025 / 14th 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)
7. 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 (

- ADDL.R7 ARE IMPEADED AS PER ORDER DATED 27.03.2025 IA/2/ 2025 IN WP(C) 9329/2025.)
8. 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)
 9. ADDL.R9 HINDUSTAN PETROLEUM CORPORATION LIMITED REPRESENTED BY ITS REGIONAL HEAD, PB NO 2425, KARSHAKA ROAD, KADAVANTHRA, KOCHI, ERNAKULAM, KERALA ((IS IMPEADED AS ADDITIONAL R 9 AS PER ORDER DATED 30/05/2025 IN IA 3/2025)
 10. 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.)
 11. ADDL. R11 SAKHI WOMEN'S RESOURCE CENTRE ,REPRESENTED BY SECRETARY CONVENT ROAD, VANCHIYOOR, THIRUVANANTHAPURAM, KERALA (IMPEADED AS ADDITIONAL R11 AS PER ORDER DATED 5/08/2025 IN IA 7/2025)
 12. ADDL 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(IMPEADED AS ADDITIONAL R12 AS PER ORDER DATED 5/08/2025 IN IA 8/2025)
 13. 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 IN WP(C))

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 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 17.06.2025 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:

(PT0)



W.P.(C) No. 9329 of 2025

1

C.S.DIAS, J.**W.P.(C) No. 9329 of 2025****Dated this the 5th day of August, 2025****O R D E R****I.A.Nos.7 and 8 of 2025**

Heard.

For the reasons stated in the affidavit in support of the applications, the applications are allowed. The applicants are impleaded as the additional respondents 11 and 12 in the writ petition. The Registry to carry out the impleadment, both in the physical copy as well as the Metadata. The additional respondents 11 and 12 are also at liberty to file their statements/counter-affidavits, if any.

W.P.(C) No.9329 of 2025

The oil marketing companies, namely, the additional respondents 7 to 9 are directed to file their

W.P.(C) No. 9329 of 2025

2

counter-affidavits along with the relevant materials to substantiate that the washrooms in the petroleum retail outlets can be permitted to be used by the transiting public. The Ministry of Petroleum and Natural Gas, Government of India, is suo motu impleaded as the additional 13th respondent. The Registry to carry out the impleadment both in the physical copy as well as Metadata. The additional 13th respondent is also directed to file a statement/counter-affidavit, if any.

The interim order dated 17.06.2025 is extended by a week.

Post on 12.08.2025.

Sd/-

C.S.DIAS, JUDGE

dkr

APPENDIX OF WP(C) 9329/2025

Exhibit P2	A TRUE COPY OF THE POSTER ALONG WITH SWITCHES PASTED ON THE PRIVATE TOILET WITHIN THE PREMISES OF THE 2ND PETITIONER'S RETAIL OUTLET
Exhibit P2(A).	A TRUE COPY OF THE POSTER ALONG WITH SWITCHES PASTED ON THE PRIVATE TOILET WITHIN THE PREMISES OF THE 4TH PETITIONER'S RETAIL OUTLET
Exhibit P2(B)	A TRUE COPY OF THE POSTER ALONG WITH QR CODE PASTED ON THE PRIVATE TOILET WITHIN THE PREMISES OF THE 5TH PETITIONER'S RETAIL OUTLET
Exhibit P2(C)	A TRUE COPY OF THE POSTER ALONG WITH QR CODE PASTED ON THE PRIVATE TOILET WITHIN THE PREMISES OF THE 6TH PETITIONER'S RETAIL OUTLET
Exhibit P2(D)	A TRUE COPY OF THE POSTER ALONG WITH QR CODE PASTED ON THE PRIVATE TOILET WITHIN THE PREMISES OF THE 3RD PETITIONER'S RETAIL OUTLET

