



W.P(MD)No.10565 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**W.P(MD)No.10565 of 2023
and
W.M.P(MD)No.9375 of 2023**

Senthilkumar

... Petitioner

Vs.

- 1.The Joint Chief Controller of Explosives,
A and D - Wing, Block 1-8, Second Floor,
Shastri Bhavan, 26 Haddows Road,
Nungambakkam,
Chennai - 600 006.
- 2.The District Collector cum District Magistrate,
Thanjavur,
Thanjavur District.
- 3.The District Revenue Officer cum
Additional District Magistrate,
Thanjavur,
Thanjavur District.



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4.The Revenue Divisional Officer,
Thanjavur,
Thanjavur District.

5.The Block Development Officer
Nanjikottai Village,
Nanjikottai,
Thanjavur District.

6.The President
Nanjikottai Village,
Nanjikottai,
Thanjavur District.

7.The Deputy Director (In-Charge)
Central Region,
Fire and Rescue Services Department,
92, Court Campus,
Tiruchirapalli - 620 001.

8.The District Environment Engineer,
The Pollution Control Board,
Eswari Nagar,
Medical College Road,
Thanjavur - 613 004.



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9.The Divisional Officer

Fire Services,
Palace Building,
East Main Street,
Thanjavur - 613 007.

10.The Superintendent of Police

Thanjavur,
Thanjavur District.

11.The Deputy Superintendent of Police,

Vallam Sub Division,
Thanjavur District.

12.Pilavendran

.. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents No.1 to 11 to initiate appropriate legal actions against the respondent No.12 for storing the commercial gas cylinder in the Residential approved area in the light of the Gas Cylinders Rules, 2016 and to shift the commercial gas cylinder storage shed from the present place situated in Plot No.7, Comprised Survey No.238, Sirajpur - III, Nanjikottai Road, Thanjavur District, to any other place within a stipulated time that may be fixed by this Court.



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For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.K.Govindarajan - for R1

Deputy Solicitor General of India

Mr.P.Thilak Kumar-for R2 to R7, R9 to R11

Government Pleader

Mrs.Vijayakumari Natarajan - for R8

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard Mr.R.Karunanidhi, learned counsel for the petitioner, Mr.K.Govindarajan, learned Deputy Solicitor General of India appearing for the first respondent, Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 2 to 7, 9 to 11 and Mrs.Vijayakumari Natarajan, learned counsel appearing for the eighth respondent.

2. The grievance of the petitioner is that the respondent No. 12 is keeping gas cylinders on the open plot in the Residential locality thereby, endangering the life of the persons of the vicinity.



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3. We had heard the matter on 30th August 2023 and asked the learned Government Pleader to get instructions, regarding the actual state of affairs on the subject plots. The report has been filed by the Police Department, wherein, it is stated that plot is not being used for storage of gas cylinders. The players and the joggers who were playing cricket in the academy stated that five months before, they had seen the gas cylinder vehicles parked there. However, they do not know whether they are empty cylinders or filled-in cylinders. But since five months, they have not seen any vehicle with gas cylinders on the said plot.

4. The learned counsel for the respondent No.12 submits that the subject plots were never used by the respondent No.12 for storage of gas cylinders and occasionally, empty gas cylinders were brought on the plot to change it from a smaller vehicle to bigger vehicle. The gas cylinders were never stored in the plot.

5. The learned counsel for the petitioner accepts that after filing the Writ Petition, the respondent No.12 has not stored the gas cylinders on the subject plots.



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6. In view of the report of the Deputy Superintendent of Police, Vallam Subdivision, Thanjavur District, no further orders are necessary to be passed.

7. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.G., C.J.]

[C.K., J.]

01.09.2023

Index : Yes / No
Neutral Citation : Yes / No
RM



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