

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.05.2017

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN
AND
THE HONOURABLE MR. JUSTICE V. PARTHIBAN

W.P. No. 11568 of 2017
&
W.M.P. No. 12578 of 2017

N. Thangavel Petitioner

Vs.

1. The District Collector,
Nagapattinam District.
2. The Revenue Divisional Officer,
Nagapattinam,
Nagapattinam District.
3. The Block Development Officer,
Vedaranyam, Nagapattinam District.
4. The Deputy Director of Town &
Country Planning,
Nagapattinam Region,
Nagapattinam District.
5. The Territory Manager (LPG),
Bharat Petroleum Corporation Ltd.,
Territory Office & LPG Plant,
Near MGM TB Sanatorium Post,
Sengipatti Via,
Thanjavur 613 401.
6. The Joint Chief Controller of Explosives,
A & D Wing, Block 1 -8, 2nd Floor,
Shastri Bhavan,
No.26, Haddows Road,
Nungambakkam,
Chennai 600 006.

7. The Assistant District Officer,
I/c. District Officer,
Fire & Rescue Services,
Nagapattinam District,
Nagapattinam.
8. The Junior Engineer,
TNEB, Vedaranyam,
Nagapattinam District.
9. The Village Panchayat President,
Neivilakku Village,
Vedaranyam Taluk,
Nagapattinam District.
10. Tmt. Annalakshmi Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents herein to direct the 10th respondent herein to relocate the proposed LPG cylinder godown from land comprised in Survey No. 336/2A2, Neivilakku Village, Vedaranyam Taluk, Nagapattinam District to any other suitable place with necessary permissions in accordance with law.

For Petitioner :: Mr.G. Mageshkumar

For Respondents:: Mr.R. Vijayakumar,
Addl. Govt. Pleader for
R1 to R4, R7 & R9

Mr.M. Vijayan for
M/s.King & Partridge
for R5
Mr.Su. Srinivasan
Asst. Solicitor General
for R6
Mr.P. Gunaraj for R8

O R D E R

(Order of the Court was made by N. KIRUBAKARAN,J.)

The petitioner has come before this Court seeking issuance of a Writ of Mandamus directing the official respondents to direct the 10th respondent to relocate the proposed LPG Cylinder Godown from the land comprised in S.No. 336/2A2, Nei Vilakku Village, Vedaranyam Taluk, Nagapattinam District to any other suitable place.

2. According to the petitioner, he has filed this writ petition as a Public Interest Litigation as his agricultural field is located in the same locality bearing S.No. 336/1B and 2A1 admeasuring about 52 cents and the people in the village are against the installation of LPG Cylinder Godowns and they are conducting peaceful demonstrations.

3. The 5th respondent has given the letter of intent to the 10th respondent for the Gas Cylinder Distributorship at Vedaranyam Taluk, Nagapattinam District in open category (women) and the letter of intent was issued as early as on 13.02.2015. However, according to the petitioner, without re-classification or conversion, the agricultural land is sought to be used for commercial purpose by locating an LPG Cylinder Godown. According to the petitioner, on account of the location of LPG Cylinder Godown, there is likelihood of fire accidents and other serious threats. Moreover, a crematorium is located in the vicinity of the proposed site and therefore, after making a representation dated 08.11.2016 to the 1st respondent, the petitioner has approached this Court for the above relief.

4. Heard Mr.G. Magesh Kumar, learned counsel for the petitioner; Mr.R. Vijayakumar, learned Additional Government Pleader for respondents 1 to 4, 7 and 9; Mr.M. Vijayan for M/s. King & Partridge for respondent No.5; Mr.Su.Srinivasan, learned Assistant Solicitor General for respondent No.6 and Mr.P. Gunaraj for respondent No.8.

5. It is evident from the records that the 5th respondent had already offered dealership to the 10th respondent for distribution of LPG Cylinders at Vedaranyam and the site,

which is sought to be used for constructing a godown for storing the LPG cylinders is in the midst of an agricultural field. It is submitted by the learned counsel for the 5th respondent that "No objection" certificates have already been issued by Panchayat Authorities, Fire Service Authorities and other authorities concerned for location of the godown in the proposed site, which is an agricultural field. The photographs produced before this Court would also demonstrate that the godown is located away from the residential area and therefore, the prayer sought by the petitioner, that too, under the guise of a Public Interest Litigation, cannot be granted. The writ petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

To

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Nagapattinam District.
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9. The Village Panchayat President,
Neivilakku Village,
Vedaranyam Taluk,
Nagapattinam District.

+1cc to Mr.G.Mageshkumar, Advocate Sr.36715
+1cc to M/S.King & Partridge, Advocate Sr.36703
+1cc to Mr.Su.Srinivasan, Advocate Sr.36700

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