

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2017

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

W.P. No.24270 of 2017

E.Dilli, Advocate

.. Petitioner

-vs-

- 1.The District Collector,
District Collector Office,
Sathuvachery, Vellore-632 009.
- 2.Additional Chief Secretary,
Highways and Minor Ports Dept.,
Secretariat, Chennai 600 009.
- 3.The Chairman,
National Green tribunal,
No.950/1, 2nd and 3rd Floor, TNPCB
Building, Poonamallee High Road,
Arumbakkam, Chennai 600 106.
- 4.The Director,
Highways Chief Engineer (Monitoring),
HRS Campus, Sardar Patel Road,
Guindy, Chennai 600 025.
- 5.The General Manager,
Southern Railway, Head Quarters,
Chennai 600 001.
- 6.The Secretary,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy, Chennai 600 032.
- 7.Chief Environmental Engineer,
TNPCB, Axiliyum College Road,
Gandhi Nagar, Vellore 632 006.
- 8.The Flying Squad Environmental Engineer,
TNPCB, No.16, Royapuram East Street,
Tirupur - 641 601.

9. Deputy Director,
Fire and Rescue Service,
North East Zone, Vellore 632 001.

10. The Chief Educational Officer,
Collectorate, 'B' Block,
Sathuvacheri, Vellore 632 009.

11. The Revenue Divisional Officer,
Ranipet, Vellore District 632 401.

12. The Tahsildar
Taluk Office, Arakkonam,
Vellore District 631 003.

13. The Block Development Officer,
Nemili Panchayat Union,
Nemili, Vellore District 631 051.

14. The General Manager,
ESSAR Oil Limited,
Abiramapuram, Chennai 600 108.

15. The Village Administrative Officer,
Arigilpadi Village, Arakkonam Taluk,
Vellore District 631 151.

16. D. Prakash ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct 1 to 15 respondents to consider the petitioner's representation dated 08.08.2017 and take suitable action within the time stipulated by this Court.

For Petitioner : Mr. R. Arunkumar

For Respondents : Mr. M. K. Subramanian
Govt. Pleader for RR-1, 2, 4, 6 to
12 and 15
: Mr. P. T. Ramkumar for R-5
: Mr. Abdul Saleem for R-14

* * * * *

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The writ petitioner claims to be an advocate engaged in social service. He is apparently a resident of Arakkonam Taluk in Vellore District. According to the petitioner, the 16th

respondent has his own property at Arigilapadi village on the Kancheepuram-Arakkonam State Highway, the survey numbers whereof have been specified in paragraph 2 of the affidavit in support of the writ petition.

2.It is the case of the petitioner that the 16th respondent is setting up a private petrol pump on his land, for which he is cutting down mango trees. In this writ petition, the petitioner has sought orders on the respondent authorities to consider and dispose of the representation of the petitioner dated 08.08.2017, which is to stop 16th respondent from setting up the petrol pump.

3.According to the petitioner, the proposed petrol pump has involved the cutting of trees. Secondly, it is contended that the proposed petrol pump is surrounded by brick fields and burning bricks and as such, there is risk of fire explosion at the petrol pump because of sparks from burning bricks. Thirdly, it is contended that the petrol pump is near a State Highway and the public and vehicles would be put to risk of death and/or injury. Finally, it is contended that there is a newly constructed private school within a distance of 30 meters.

4.From the tenor of the objections raised, it appears to us that the writ petition is not a bona fide one. The writ petition purportedly in public interest has been prompted by some ulterior intent. There is just a vague statement of the petrol pump being in proximity to a school.

5.It seems that the motive of the petitioner is to stop the petrol pump, for which he has cited various reasons including the location of the petrol pump near a highway. Petrol pumps need to be located near highways for fueling of vehicles. The petitioner has not adverted to any law, rule or regulation that prohibits the setting up of a petrol pump near a railway station or a railway track. Moreover, the setting up of a petrol pump requires approvals and licenses. It is for the authorities concerned to issue the requisite permits and/or licence taking into account all relevant factors including the aspect of risk danger to people. The interference of this Court is not necessary. The concerned licensing authorities shall ensure that there is no contravention of any provision of law in setting up the petrol pump.

This writ petition is, accordingly, dismissed. No costs.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

To

- 1.The District Collector,
District Collector Office,
Sathuvachery, Vellore-632 009.
- 2.The Additional Chief Secretary,
Highways and Minor Ports Dept.,
Secretariat, Chennai 600 009.
- 3.The Chairman,
National Green tribunal,
No.950/1, 2nd and 3rd Floor, TNPCB
Building, Poonamallee High Road,
Arumbakkam, Chennai 600 106.
- 4.The Director,
Highways Chief Engineer (Monitoring),
HRS Campus, Sardar Patel Road,
Guindy, Chennai 600 025.
- 5.The General Manager,
Southern Railway, Head Quarters, Chennai 600 001.
- 6.The Secretary,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy, Chennai 600 032.
- 7.Chief Environmental Engineer,
TNPCB, Axilliyum College Road,
Gandhi Nagar, Vellore 632 006.
- 8.The Flying Squad Environmental Engineer,
TNPCB, No.16, Royapuram East Street, Tirupur - 641 601.
- 9.The Deputy Director,
Fire and Rescue Service,
North East Zone, Vellore 632 001.
- 10.The Chief Educational Officer,
Collectorate, 'B' Block, Sathuvacheri, Vellore 632 009.
- 11.The Revenue Divisional Officer,
Ranipet, Vellore District 632 401.
- 12.The Tahsildar
Taluk Office, Arakkonam, Vellore District 631 003.

13.The Block Development Officer,
Nemili Panchayat Union, Nemili,
Vellore District 631 051.

14.The Village Administrative Officer,
Arigilpadi Village, Arakkonam Taluk,
Vellore District 631 151.

+2 CC to Mr. R. Arunkumar Advocate SR.No.68045/17
+1 CC to Mr. P.T.Ramkumar Advocate SR.No.68557/17
+1 CC to Mr. Abdul Saleem Advocate SR.No.68082/17
+1 CC to the Government Pleader SR.No.68165/17

VC (10/10/2017)

W.P.No.24270 of 2017



WEB COPY