

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.10.2017
CORAM
THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.27111 of 2017

Vellingirinathan

.. Petitioner

Vs.

- 1 The Collector
Collectorate Office
Namakkal, Namakkal District.
 - 2 The Superintendent of Police
Namakkal, Namakkal District.
 - 3 The District Revenue Officer
Namakkal, Namakkal District.
 - 4 The Thasildar
Kumarapalayam
Namakkal District.
 - 5 The Joint Chief Controller of Explosives
South Circle, A and D wing
Block 1-8, 2nd Floor, Shastri Bhavan
No.26, Haddows Road, Nungambakkam
Chennai-6.
 - 6 The Revenue Divisional Officer
Thiruchengode, Namakkal.
 - 7 The Divisional Officer
Highways Department, Namakkal.
 - 8 The Divisional Fire Officer
Fire and Rescue Department
Namakkal.
 - 9 The Indian Oil Corporation
Indian Oil Bhavan
rep. by its Executive Director
No.139 Mahatma Gandhi Road
Chennai-34
- .. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the 1st respondent, namely the District Collector, Namakkal District, to consider the representation of the petitioner dated 16.10.2017.

For Petitioner : Ms.M.Subhadra

For Respondents : Mr.T.N.Rajagopalan
Government Pleader (in-charge)
for respondents
1 to 4 and 6 to 8

Mr.Su.Srinivasan
Asst. Solicitor General
for 5th respondent

Mr.Abdul Saleem
for 9th respondent

ORDER

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

This writ petition, purportedly in public interest, has been filed seeking a writ of Mandamus directing the first respondent, i.e., the District Collector, Namakkal District, to consider the representation of the petitioner dated 16.10.2017. A copy of the representation dated 16.10.2017 has been annexed to the typed set of papers filed along with the writ petition.

2. The learned Government Pleader (in charge) submits that the aforesaid representation, which is dated 16.10.2017, has been despatched on 19.10.2017 by post. The writ petition has been filed on 20.10.2017. The writ petition is ex facie premature.

3. In the writ petition, it is in effect alleged that the setting up of a petroleum dealership at Survey No.106/2, A-2, Kokkarayanpettai Village in Namakkal District, would be dangerous as there are High Tension transformers and power lines close by, and storing of petroleum and/or petroleum products which are highly inflammable could result in fire. It is further alleged that the Superintendent of Police, Namakkal District has rejected the no objection certificate for explosive license to run "Petrol bunk in the premises in question".

4. In this writ petition, the petitioner has not indicated the distance between the proposed dealership outlet and the High Tension Transformers and/or High Tension wires. Nor is there any reference to any Rule, Regulation, Guideline, Notification and/or Government Order, which is being contravened in setting up the outlet.

5. If, as alleged by the petitioner, no objection certificate has been refused by the police authorities and there is requirement for such no objection certification, the respondent authorities would obviously look into that aspect before grant of requisite license and/or before giving the final clearance for operation of the dealership. It is axiomatic that the authorities concerned will look into all aspects of installation of a petroleum dealership/outlet, including the aspect of fire safety, environment, etc.

There are no materials disclosed in this writ petition which warrant interference of this Court. The writ petition is not entertained and the same is dismissed. No costs. Consequently, W.M.P.No.28951 of 2017 is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sasi
To:

- 1 The Collector
Collectorate Office
Namakkal, Namakkal District.
- 2 The Superintendent of Police
Namakkal, Namakkal District.
- 3 The District Revenue Officer
Namakkal, Namakkal District.
- 4 The Thasildar
Kumarapalayam
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- 5 The Joint Chief Controller of Explosives
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Highways Department, Namakkal.
- 8 The Divisional Fire Officer
Fire and Rescue Department
Namakkal.

+1 cc to Mr.Subbadra Advocate sr 75005
+1 cc to Su Srinivasan Advocate sr 74568
+1 cc to the Govt Pleader sr 74710

W.P.No.27111 of 2017

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