



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.08.2017
CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11214 of 2017

M.Regis

... Petitioner

vs.

1. The Secretary,
Department of Environment,
Ministry of Natural Resources and
Environment,
New Delhi.
2. The Secretary,
Department of Environment,
Government of Tamil Nadu,
St.Fort George, Chennai.
3. The District Collector,
Kanyakumari District.
4. The Executive Officer,
Rajakkamangalam Panchayat Union,
Pazhavilai, Kanyakumari District.
5. The Superintendent of Police,
Kanyakumari District.
6. The Deputy General Manager,
Indian Oil Corporation Ltd,
Indian Oil Bhavan,
139, Nungambakkam High Road,
Chennai - 6000034.
7. The Joint Chief Controller of Explosive,
South Circle Office,
The Ministry of Commerce and Industry,
Petroleum and Explosive Safety
Organization (PESO),
(Formerly) Department of Explosives,
No.140, Rukmani Lakshmipathi Salai,
Egmore, Chennai - 600 008.



8. The District Officer,
Fire Service and Rescue Department,
Nagercoil, Kanyakumari District.

9. M/s. Anand Gas Agency,
No. 649, M.S. Road, Nagercoil,
Kanyakumari District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 to 4 to take necessary steps to shift the ninth respondent LPG gas godown to some other place in order to maintain the public safety and considering the petitioner's representation dated 25.03.2017.

For Petitioner : Mr.K.Alagusundaram

For Respondents : Mr.P.Paulpandi for RR1 & 7
Mr.M.Govindan, Spl.G.P for RR 2 to 5 & 8
Mr.K.Muraleedharan for R6
Mrs.R.Meenakumari for R9

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J)

The petitioner is aggrieved by the location of the ninth respondent LPG godown at its present place. He had given representation since March 2017 to the concerned authorities.

2.The petitioner's case is that the said godown is being run without any permission from the local authority. Since the authorities have not taken action on his representation, he was constrained to file the present writ petition. Notice was issued to the Indian Oil Corporation as well as the ninth respondent.

3.Heard the learned counsel for the petitioner as well as the official respondents and also the learned counsel for the ninth respondent.

4.The learned counsel appearing for the Indian Oil Corporation submitted that the ninth respondent Agency is a fully licensed one. The ninth respondent has also filed a counter affidavit pointing out that they were appointed as a Distributor of Indian Oil Corporation in the year 1985 and that from 1989, they have been carrying out their distributorship in the very same place. Necessary approvals have been obtained from all the authorities concerned. This stand taken by the ninth respondent in their affidavit has not been controverted by the petitioner.



5. When the ninth respondent is running their distributorship at the present place for the last 30 years, that too after obtaining clearance from all the authorities concerned, it is not possible to entertain this writ petition. It does not appear to have been filed in public interest. The prayer for shifting the ninth respondent godown is patently without any merit. The petitioner wants to vex and harass the ninth respondent. Therefore, we dismiss this writ petition. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Secretary,
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Newdelhi.
2. The Secretary,
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Government of Tamil Nadu,
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5. The Superintendent of Police,
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6. The Joint chief Controller of Explosive,
South Circle office,
Ministry of Commerce and Industry,
Petroleum and Explosive Safety Organisation[PESO],
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Egmore, Chennai.



7. The District Officer,
Fire Service and Rescue Department,
Nagercoil, Kanyakumari District.

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- +1 CC to M/s.P.VENKATESAN, Advocate, SR No. 70341.
- +1 CC to M/s.R.MEENAKUMARI, Advocate, SR No. 69603
- +1 CC to M/s.P.PAUL PANDI, Advocate, SR No. 69971
- +1 CC to M/s.K.MURALEEDHARAN, Advocate, SR No. 69602
- +1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 70595.

SKM/ARUL

PSM/SKN-RSK/SAR2/22.08.2017/4P/13C

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02.08.2017