

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 12.3.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR  
and  
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.30033 of 2018 and  
W.M.P. No.35045 of 2018

S.Sivakumar

.. Petitioner

Vs.

1.The District Collector  
Tiruppur District  
Tiruppur

2.M/s.Indian Oil Corporation Limited  
Rep. by its Managing Director  
No.500, Anna Salai  
Teynampet  
Chennai - 600 018

3.Indian Oil Corporation Limited  
Rep. by its Senior Area Manager (Indane)  
Marketing Division  
Indane Area Office  
No.8/1079, Avinashi Road  
Near Kuppusamy Naidu Hospital  
Coimbatore - 641 018

4.David Indane Gramin Vitrack  
Rep. by its Proprietrix:B.Jenitha  
S.F. No.85/2A, Kanur Road  
Karuvalur  
Avinashi Taluk  
Tiruppur district

.. Respondents

Writ petition filed under Article 226 of the Constitution of India, for a Writ of Mandamus, forbearing the respondents from locating and starting Indane Gas Cylinder Godown at S. No.85/2A, Kanur Road, Karuvalur, Avinashi Taluk, Tiruppur District, by considering and passing orders on the representation of the petitioner dated 15.8.2018 and 11.10.2018.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.E.Manoharan,  
Addl. Govt. Pleader for R1  
Mr.K.Mayilsamy, for R4

ORDER  
(Delivered by SUBRAMONIUM PRASAD, J.)

This petition in public interest has been filed for a writ of mandamus restraining the respondents 1 to 3 from locating and starting Indane Gas Cylinder Godown at S. No.85/2A, Kanur Road, Karuvalur, Avinashi Taluk, Tiruppur District, by considering and passing orders on the representation of the petitioner dated 15.8.2018 and 11.10.2018.

2. Petitioner states that he is a permanent resident of old No.1/154, New No.1/200, Karai Thottam, Ramanathapuram Village, Avinashi Taluk, Tiruppur District. He says that the respondents have intended to establish Indane Gas Cylinder Godown at S. No.85/2A Kanur Road, Karuvalur, Avinashi Taluk, Tiruppur District. According to him, there is cremation and burial ground in 20 meters of the proposed Gas Cylinder Godown. It is his further contention that famous temples like Sri Anjeneyar temple, Sri Gangadheeswarar Temple, Perumal Temple and Sri Venugopalasamy temple, are situated adjacent to the proposed location of Indane Gas Cylinder Godown.

3. According to the petitioner, since the proposed godown is about 20 meters away from cremation and burial ground, 4<sup>th</sup> respondent cannot be permitted to construct the godown. The petitioner relies on the guidelines which has been laid down by the Union of India for selection of LPG Distributorship. Guideline Nos.1.18, 5.1.15 and 5.1.19 read as under:

1.18. Field Verification of Credentials (FVC) means verification of details by a committee of OMC officials for verification of the details provided by the applicant and to check suitability of the land offered by the candidate for Godown and showroom (as applicable).

5.1.15. It will be responsibility of the selected candidates to observe and perform the provisions of all rules and regulations, Government or municipal or local or such like acts, laws, regulations, bye laws as may be enforced from time to time with respect to land for construction of LPG Godown. In case of any reference relating to violation of the statutory provisions, the same will be referred to the concerned authority to examine the same for appropriate action. OMCs will continue their process of selection/commissioner/distributorship operation till the final

outcome from concerned authority.

5.1.19. In states where conversion from agriculture land to non agriculture (NA) land takes long time and such cases are pending, because of which commissioning in some States is getting affected, indemnity will be taken from the selected candidate that he will be getting the NA conversion done and Distributorship will be commissioned.

4. According to the petitioner since Rule 4(4) of the Tamil Nadu Panchayat Building Rules, 1997, prohibits construction of any building 90 meters from burial ground/burning place, it is hit by the guidelines issued by the Union of India for the purpose of LPG Distributors. Rule 4 (4) reads as under:

(4) No site which is situated within a distance of ninety meters from a place used as a burning or burial place or ground shall be used for construction of any building, without the previous approval of the Executive Authority and no building intend for human habitation shall be built within ninety metres of such burning or burial place or ground, unless such burning or burial place or ground was closed for burning or burial of corpses remained so closed for a period of not less than five years, as ascertained from the record maintained by the Village Panchayat;

5. We have perused the materials on record.

6. The petitioner has not given any document, to substantiate that the place where the proposed godown for LPG gas is going to be located is near a burial ground. The documents produced by the petitioner, would show that the property in question is, "Nallaru", which means a channel. There is no mention of any burial ground or a burning place in the Revenue records. In the absence of any material to show that there is any burial ground/burning place near the proposed site of godown, this court cannot interfere with the decision to locate the LPG godown. Location of an LPG godown is in the interest of public. No violation has been pointed out by the petitioner.

7. In view of the above, writ petition is dismissed. However, there shall be no order as to cost. Consequently, the connected writ miscellaneous petition is closed.

Sd/--

Assistant Registrar(CS iii)

//True Copy//

Asr

To

1.The District Collector  
Tiruppur District  
Tiruppur

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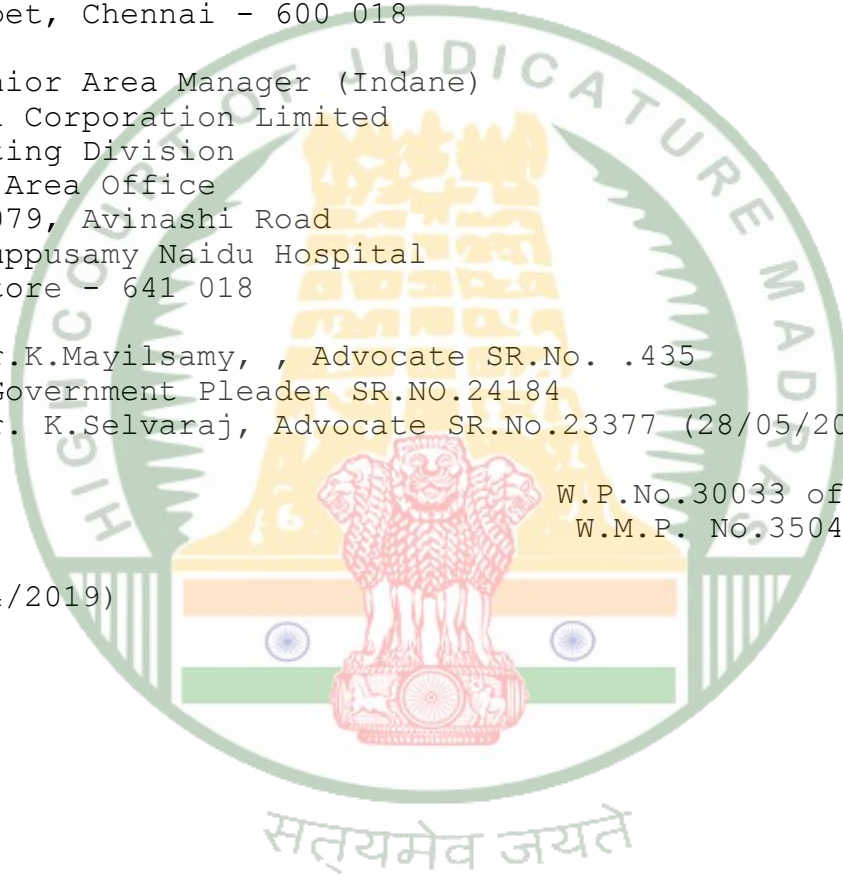
+1cc to Mr.K.Mayilsamy, , Advocate SR.No. .435

+1 cc to Government Pleader SR.NO.24184

+1cc to Mr. K.Selvaraj, Advocate SR.No.23377 (28/05/2019)

W.P.No.30033 of 2018 and  
W.M.P. No.35045 of 2018

A.SK(27/04/2019)



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