

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
and
The Hon`ble Mrs.Justice R.THARANI

WMP(MD) No.9396 of 2019

IN

WP(MD) No.5690 of 2019

M/S.SHELL INDIA MARKET PRIVATES LIMITED,
PLOT.NO.7, BANGALORE HARDWARE PARK,
SHELL TECHNOLOGY CENTRE,
DEVANAHALLI INDUSTRIAL PARK,
MAHADEVAKODIGEHALLI,
BANGALURU-562 149

...PETITIONER/7TH RESPONDENT/
7TH RESPONDENT

Vs

1.K.N.SHANMUGAM

...1ST RESPONDENT/PETITIONER/
PETITIONER

2.THE COMMISSIONER OF POLICE,
TRICHY CITY POLICE OFFICE,
PUDUKKOTTAI MAIN ROAD,
SUBRAMANIAPURAM, TIRUCHIRAPALLI-620 020.

3.THE DISTRICT REVENUE OFFICER,
TIRUCHIRAPALLI DISTRICT, COLLECTORATE CAMPUS,
TIRUCHIRAPALLI-620 001.

4.THE JOINT CHIEF CONTROLLER OF EXPLOSIVES,
A AND D WING, BLOCK 1-8,
SHASTRI BHAVAN, NO.26, HADDOWS ROAD,
NUNGAMBAKKAM, CHENNAI-600 006.

5.THE DIVISIONAL ENGINEER,
(CONSTRUCTION AND MAINTENANCE),
HIGHWAYS DEPARTMENT, 25/28,
SHANKAR ILLAM, PUDUKKOTTAI MAIN ROAD,
SUBRAMANIYAPURAM, TIRUCHIRAPALLI-620 020.

6.THE DEPUTY DIRECTOR OF HEALTH SERVICE,
NEAR JAMAL MD COLLGE, TOLLGATE,
TIRUCHIRAPALLI-620 020.

7.THE DISTRICT FIRE OFFICER,
TIRUCHIRAPALLI DIVISION,
TIRUCHIRAPALLI-620 001.

...RESPONDENTS 2 TO 7/
RESPONDENTS 2 - 7/ RESPONDENTS 2 - 7

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to modify the interim order dated 12/03/2019 passed in WMP(MD) No.4496 of 2019 in WP(MD) No.5690 of 2019 by permitting this respondent to close the excavated tank pit to the ground level at survey T.S.No.3/1, Mahalakshmi Nagar, Gandhi Market Road, Tiruchirapalli.

Prayer in WMP(MD). 4496/ 2019 :

To pass an order of interim injunction restraining the respondents 1 to 6 from issuing the Explosive License, any permissions or approvals to the 7th respondent to set up and operate the Petroleum Retail Outlet at Survey No.TS.No.3/1, Mahalakshmi Nagar Gandhi Market Road, Varaganeri village , Trichy-620 008, pending disposal of this WP.

Prayer in WP(MD). 5690/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified mandamus to call for the records of the No Objection Certificate No. M2/24247/2018 dated 09/01/2019 issued by the 1st respondent in favour of the 7th Respondent and quash the same and consequently to permanently restrain the respondents 1 to 6 from issuing the Explosive License, permissions and approvals to the 7th respondent to set up and operate the Petroleum Retail Outlet at Survey No.TS.No.3/1, Mahalakshmi Nagar, Gandhi Market Road, Varaganeri Village, Trichy - 620 008.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.P.RENGANATHA REDDY, Advocate for M/S.KING AND PARTRIDGE, Advocate for the petitioner and of Mr.V.R.SHANMUGANATHAN, Special Government Pleader for R2 to R7, the court made the following order:-

[Order of the Court was made by **G.R.SWAMINATHAN,J.**]

There cannot be any objection for allowing the Miscellaneous Petition.

2. The 7th respondent in the main writ petition is permitted to close the excavated tank pit to the ground level in the petition mentioned Survey Number.

3. The Miscellaneous Petition is allowed.

sd/-
29/05/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE COMMISSIONER OF POLICE,
TRICHY CITY POLICE OFFICE,
PUDUKKOTTAI MAIN ROAD,
SUBRAMANIAPURAM, TIRUCHIRAPALLI-620 020.
2. THE DISTRICT REVENUE OFFICER,
TIRUCHIRAPALLI DISTRICT, COLLECTORATE CAMPUS,
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TIRUCHIRAPALLI-620 001.

+1. C.C. to M/S.KING AND PARTRIDGE Advocate SR.No.66301

ORDER
IN
WMP (MD) No.9396 of 2019
IN
WP (MD) No.5690 of 2019
Date :29/05/2019