



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

WEB COPY

DATE : 01.07.2019

CORAM

**THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND**

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P. (MD) NO. 14602 OF 2019

AND

W.M.P. (MD) NOS. 11037 & 11038 OF 2019

M.Shelva Durai

.. Petitioner

- Vs -

1. The District Collector
Kanyakumari District
Nagercoil.
2. The Chief Controller of Explosives
Petroleum Explosives Safety
Organisation (PESO)
A-D Wing, Block -1-8, II Floor
Shastri Bhavan - 26
Haddows Road, Nungambakkam
Chennai 600 006.
3. The Director of Fire & Rescue Service
No.17, Rukmani Lakshmipathy Road
Egmore, Chennai.
4. The Deputy General Manager
L.P.G. Sale Indane Area Office
Indian Oil Corporation
2, Race Course Road
Chokkikulam, Madurai - 2.
5. The Deputy Director
Town & Country Planning
Kanyakumari District.



6. The Special Officer
Vilathurai Village Panchayat
Kappukadu Post, Kanyakumari Dt.

7. Jeyasekar

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari calling for the records relating to the impugned plan and approval proceeding in NA.KA. No.141 of 2018 dated 20.03.2019 issued by the 6th respondent and quash the same.

For Petitioner : Mr. V.M.Balamohan Thampi

For Respondents : Mr. J.Gunaseelan Muthiah, AGP
for RR-1, 3 & 5
Mr. C.Muthusaravanan, for
M/s.Ramasubramaniam Associates for R-2
Mr. K.Muraleedharan for R-4
Ms. J.Padmavathi Devi for R-6

ORDER

(Order of the Court was made by M.Sathyarayanan, J.)

The petitioner claims to be a social worker and further claims that he is always inclined to fight for the welfare of Munchirai Village people and he filed this writ petition, styled as a public interest litigation, alleging that the liquefied petroleum gas godown constructed by the 7th respondent is without adherence to the relevant norms or regulations and, therefore, he submitted a representation in this regard to the respondents, which failed to evoke any response and, hence, the petitioner has come forward with the present petition.

2. Mr.J.Gunaseelan Muthiah, learned Addl. Government Pleader takes notice for respondents 1, 3 and 5; Mr.Muthusaravanan, learned counsel takes notice for the 2nd respondent; Mr.K.Muraleedharan, learned standing counsel takes notice for the 4th respondent and Ms.Padmavathi Devi, learned counsel takes notice for the 6th respondent.

3. Heard the submissions of the learned counsel for the petitioner and also perused the materials to which this Court's attention was drawn.

4. Learned standing counsel appearing for the 4th respondent submits that since permission to construct LPG godown was obtained by the 7th respondent, he was given letter of appointment as distributor for LPG and, accordingly, the 7th respondent has also put up a godown after obtaining necessary licence and permission and the petitioner is espousing the cause of rival claimants and, therefore, prays for dismissal.



5. This Court gave its anxious consideration to the submissions advanced by the learned counsel on either side and also perused the materials available on record..

6. A perusal of the materials placed before this Court, prima facie, reveal that the petitioner, without collecting the necessary particulars and information, merely submitted representation and also filed the present writ petition based on apprehension and in the absence of any relevant and material particulars, this Court is not inclined to entertain this writ petition.

7. In the result, this writ petition is dismissed. Consequently, connected miscellaneous petitions are also dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar(CS)

GLN
To

1. The District Collector
Kanyakumari District
Nagercoil.
2. The Chief Controller of Explosives
Petroleum Explosives Safety
Organisation (PESO)
A-D Wing, Block -1-8, II Floor
Shastri Bhavan - 26
Haddows Road, Nungambakkam
Chennai 600 006.
3. The Director of Fire & Rescue Service
No.17, Rukmani Lakshmipathy Road
Egmore, Chennai.
4. The Deputy General Manager
L.P.G. Sale Indane Area Office
Indian Oil Corporation
2, Race Course Road
Chokkikulam, Madurai - 2.
5. The Deputy Director
Town & Country Planning
Kanyakumari District.



6. The Special Officer
Vilathurai Village Panchayat
Kappukadu Post, Kanyakumari Dt.

WEB COPY

+1CC TO M/S.BALAMOZHANTHAMPI, ADVOCATE, SR.NO.72656
+1CC TO M/S.K.MURALEEDHARAN, ADVOCATE, SR.NO.72648
+1CC TO M/S.S.RAMA SUBRAMANIAM, ADVOCATE, SR.NO.72957
+1CC TO M/S.SPECIAL GOVERNMENT PLEADER, SR.NO.72810

W.P. (MD) NO. 14602 OF 2019
01.07.2019

BUC(08.07.2019) 4P 11C