

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 10.02.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.23577 of 2016
& W.M.P.No.20200 of 2016

Arulmigu Somanathaswamy Thirukkcoil,
Rep. by its Executive Officer,
Having Office at Arulmigu Devi Balamman
Thirukkcoil, Villivakkam,
Chennai - 600 049. ... Petitioner

versus

1.The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai - 600 007.

2.Joint Chief Controller of Explosives,
No.26, Shastri Bhavan,
Block No.1-8, Wing A & D,
2nd Floor, Nungambakkam,
Chennai - 600 034.

3.The Director,
Fire & Rescue Services,
No.12, Rukmani Lakshmi pathy Salai,
Egmore, Chennai - 600 008.

4.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Park Town,
Chennai - 600 003.

5.Mazood Ahmed

6.Confidence Petroleum India Pvt. Ltd.,
404, Satyam Apartments,
Rep. by its Managing Director,
8, Wardha Road, Dhantoli,
Nagpur - 440 012. ... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of Mandamus,

directing the respondents 1 to 4 not to issue any license for functioning of any gas station in the petitioner's premises being the land bearing Door No.8/28, Red Hills Road, Kolathur, Chennai - 600 099, comprised in Survey No.138/6, measuring about 7,841 Sq.feet or thereabouts without following due process of law.

For Petitioner	:	Mr.D.R.Sivakumar
For Respondent Nos.1 & 3	:	Mr.V.Shanmuga Sundar Special Government Pleader
For Respondent No.2	:	Mr.T.V.Krishamachary, SPLCG
For Respondent No.4	:	Mrs.Karthika Ashok Standing Counsel
For Respondent No.5	:	Mr.Mohammed Elhiya
For Respondent No.6	:	No Appearance

O R D E R

[Order of this Court was made by R.SUBBIAH,J.]

The petitioner has come up with the present Writ Petition for a Mandamus, to direct the respondents 1 to 4 not to issue any license for functioning of any gas station in their premises being the land bearing Door No.8/28, Red Hills Road, Kolathur, Chennai - 600 099, comprised in Survey No.138/6, measuring about 7,841 Sq.feet or thereabouts, without following due process of law.

2. Though many contentions have been raised in the writ petition, the learned counsel appearing on behalf of the petitioner, confined his arguments only to the aspect of not to issue any license for functioning of any gas station in the petitioner's premises.

3. The learned Standing Counsel appearing on behalf of the fourth respondent/Corporation has filed a counter affidavit stating that the sixth respondent has given a representation dated 12.09.2017 requesting to remove the lock and seal in his out-let and permit him to run the same. On receipt of the representation, a letter dated 18.09.2017 has been addressed to the sixth respondent directing him to appear for personal hearing on 21.09.2017 at 11.00 a.m. with the following documents:-

- "i. Current Sale Deed.
- ii. Parent documents prior to 1975 from current Sale Deed.
- iii. EC for 25 years.
- iv. Patta for the above mentioned property.
- v. Planning Permission.
- vi. NOC from Fire Service Department.

vii. License for running the Auto Gas Bunk."

4. It is further submitted by the learned Standing Counsel appearing on behalf of the fourth respondent that the sixth respondent had attended the personal hearing on 21.09.2017 and submitted Lease Deed dated 27.01.2016 and NOC from Fire Service Department as proof. However, he has failed to furnish the above documents 1 to 5 and 7, which are mandatory. Hence, the application of the sixth respondent had been rejected and the premises is under lock and seal. Since the sixth respondent has not produced any mandatory documents to process his application, the same had been rejected and as such, the prayer in the writ petition has become infructuous.

5. Since the prayer sought for by the petitioner in this writ petition has become infructuous, we are of the opinion that nothing survives for further adjudication in this Writ Petition. Hence, recording the above submission made by the learned Standing Counsel appearing for the fourth respondent / Corporation, this Writ Petition stands closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Sri

To

1.The Commissioner of Police,
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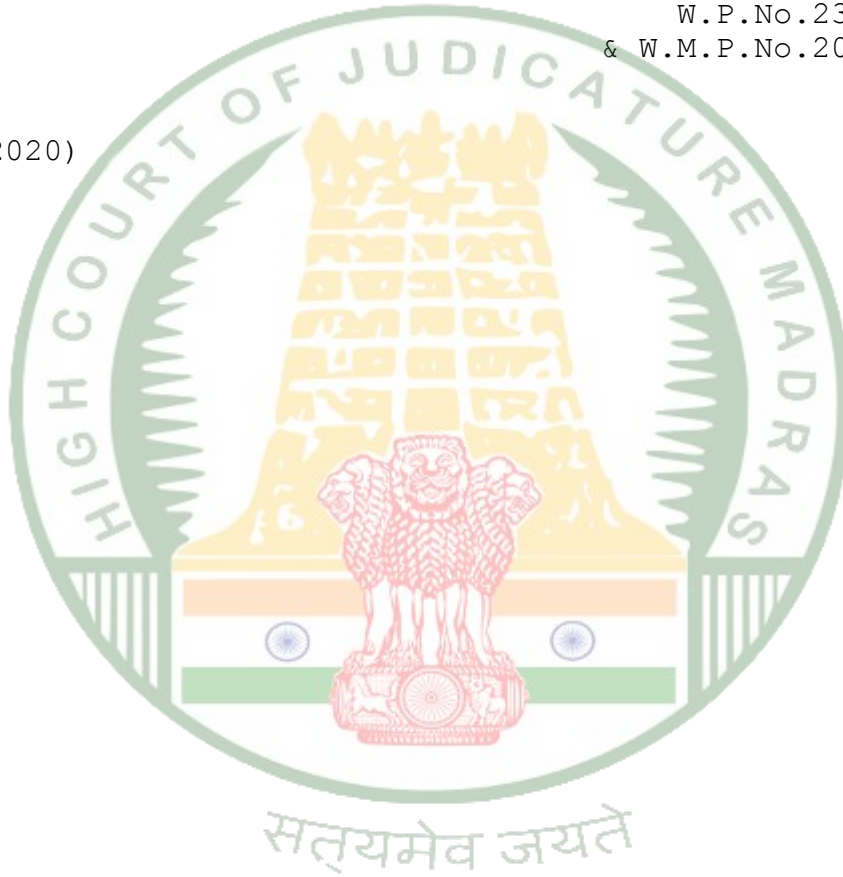
3.The Director,
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4.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Park Town,
Chennai - 600 003.

+1cc to Mrs.Karthikaa Ashok, Advocate, S.R.No. 10937
+1cc to Mr.S.D.Ramalingam, Advocate, S.R.No. 10614
+1cc to Mr.T.V.Krishnamachari, Advocate, S.R.No. 10229
+1cc to the Government Pleader, S.R.No. 11367

W.P.No.23577 of 2016
& W.M.P.No.20200 of 2016

KK(CO)
GN(25/08/2020)



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