

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.10.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.33485 of 2019
and WMP.No.33485 of 2020

V.Devandran

.. Petitioner

Versus

1. The Joint Chief Controller of Explosives,
No.26, Shastri Bhavan,
1-8, Wing A & D, 2nd Floor, Haddows Road,
Nungambakkam, Chennai 600 034.
2. The Regional LPG Coordinator (South)
Bharat Petroleum Corporation Ltd.,
No.1, 11th Main Road, Anna Nagar,
Chennai 600 040.
3. The Territory Manager,
Bharat Petroleum Corporation Ltd.,
Post Box No.1644, Peelamedu,
Coimbatore District 641 018.
4. The District Collector,
District Collector Office,
Coimbatore 641 018.
5. The Commissioner,
Corporation of Coimbatore,
Coimbatore 641 001.
6. The District Fire Officer,
Fire Service Station,
State Bank Road, Gopalapuram,
Coimbatore 641 018.
7. M/s.R.J.Bharat Gas Agency,
Bharat Gas Distributor,
rep.by its Proprietor,
NSR Road, Saibaba Colony,
Coimbatore 641 029.

...Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the respondent nos.1 to 6 to consider the representation dated 09.02.2019 and 13.02.2019 made by the petitioner to remove and shift the 7th respondent LPG godown operations from the locality at Door No.7B, Sairam Layout, Gandhi Nagar, Urumandampalayam, Coimbatore 641 029 by covering six residential plots together in Plot Nos.48, 49, 50, 51, 52 and 53 in the above locality.

For Petitioner : Mr.R.Sundaravadhanam
for M/s.N.Sudharsan

For Respondents: Mr.O.R.Santhanakrishnan
for R2 and R3
Mr.R.Vijayakumar, AGP
for R4 and R6

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

The petitioner is a resident of Door No.137 E, Ward No.43, Gandhi Nagar, Urumandapalayam, Vellakinaru, Coimbatore and according to him, the 7th respondent is running a LPG Dealership and he is having Godown at Door No.7B, Sairam Layout, Gandhinagar, Urumandapalayam, Coimbatore by covering six plots together in Plot Nos.48, 49, 50, 51, 52 and 53.

2. The learned counsel appearing for the petitioner would submit that admittedly in a residential area, there cannot be any Go-down for housing / keeping storage of cooking gas and LPG cylinders, as there is every likelihood / possibility of accidents to take place, which would definitely lead to catastrophic consequences. It is the further submission of the learned counsel appearing for the petitioner that the 7th respondent has failed to get necessary clearance especially from Fire and Rescue Department and though representations dated 09.02.2019 and 13.02.2019 submitted in this regard to the respondents 1 to 6 for taking immediate, necessary and appropriate action to abate the said nuisance, nothing is moving forward and therefore, he is constrained to approach this Court by filing this Writ Petition.

3. Mr.O.R.Santhanakrishnan, learned Standing counsel for respondents 2 and 3 has drawn the attention of this Court to the counter affidavit and would submit that the 7th respondent is operating the LPG Godown with effect from 30.12.2011 and it is being used as a ready built one which was earlier operated by 'Indane Gas Distributor' and currently the Godown premises is in the name of R.J.Gas Agency and renewal of distribution license

has been done upto 30.09.2021 and he further add that the case of the respondents rests upon surmises and conjectures.

4. Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the 6th respondent has drawn the attention of this Court to the counter affidavit and would submit that the Fire and Rescue Department has no power to deal with the violations with regard to buildings or illegal activities or removal of materials, equipments and there is no sufficient access available for movement of emergency vehicle.

5. In response to the said submission, the learned counsel appearing for the petitioner would submit that in the light of the stand taken by the 6th respondent, this Court may take cognizance and pass appropriate orders.

6. This Court has carefully considered the rival submissions and also perused the materials placed before it.

7. It is revealed from the counter affidavit filed on behalf of the respondents 2 and 3 that the 7th respondent has got necessary clearance for operating the Godown to house and keep LPG cylinders and the Joint Chief Controller of Explosives, Chennai has also renewed the license in favour of the 7th respondent upto 30.09.2021. The counter affidavit filed on behalf of the respondents 2 and 3 would state that it is not as if the 7th respondent has established the Godown very recently, in fact it was in occupation of M/s.Indane Gas distributor previously and currently, the 7th respondent is operating the said premises as its Godown. The learned counsel appearing for the petitioner is unable to point out any infraction of statutory requirement on the part of the 6th respondent for granting necessary clearance and it is not even the stand of the 6th respondent in their counter affidavit.

8. The learned Standing Counsel appearing for the respondents 2 and 3 would submit that necessary inspections are also carried out by the office of the Joint Chief Controller, Explosives, with regard to the quality of service being rendered and if any adverse, thing is noticed/noted, appropriate action will be taken in accordance with law.

9. In the light of the above facts and circumstances and reasons assigned, this Court is of the considered view that apprehension expressed by the petitioner as of now do not merit acceptance. It is also made clear that the 7th respondent is keeping the premises being utilised for housing LPG cylinders, in a safe and proper manner so as to prevent any mishap either accidentally or otherwise.

10. The Writ Petition is dismissed subject to above observations. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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+lcc to Mr.T.L.Thirumalaisamy, Advocate, sr no.33416
+lcc to The Government Pleader , Sr no.33512

WP.No.33485 of 2019

KK(CO)
RMP(01/12/2020)