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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.34716 of 2019

B.Arunkumar

...Petitioner

vs

1.The Divisional Manager of Indian Oil Corporation Ltd
Head of Divisional Office
Coimbatore Divisional Office
No.8/1079, Avinashi Road Coimbatore.

2.The Executive Director(Retail Sales)
Indian Oil Corporation Indian Oil Bhavan
No.139, Mahatma Gandhi Road
Nungambakkam High Road
Chennai-34

3.The Executive Director (retail sales)
Indian Oil Corporation Indian Oil Bhavan
G-9 Alu Yavar Jung Marg Bandra East
Mumbai, Maharastra- 400 051.

4.The Chief General Manager (Retail Sales)
Indian oil Corporation Indian Oil Bhavan
No.139 Mahatma Gadhi Road
Nungambakkam High Road, Chennai-34

5.The Deputy General Manager (Retail Sales)
Indian oil Corporation Indian Oil Bhavan
No.139 Mahatma Gadhi Road
Nungambakkam High Road
Chennai-34

6.The Chief Retail sales Manager
Indian Oil Corporation Ltd
Indian Oil Bhavan
No.8/1079, Avinashi Road Coimbatore.

7. The District Fire Officer
District fire service office Avinashi Road
Kumar Nagar Tiruppur 641603.



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8.The Superintending Enginner
State Highways C and M Circle of Tirupur
Chikkanna College road Kallampalayam
Tiruppur- 641 602.

9.The Commissioner
Tirupur City Muncipal Corporation
Tiruppur.

10.The District collector
Tirupur District Collectorate
Palladam Road
Tiruppur.

11.The Commissioner of Police
Tirupur City Police Commissioner office
Sirupooluvapatti Amman Kalyanamandapam
Tirupur Town.

12.The Deputy Controller of Explosives
Ministry of Commerce and Industry
Petroleum and Explosives safety organization
(PESO) A and D wing Block 1-8 IInd Floor
Shastri Bhavan No 26, Haddows Road, Nungambakkam
Chennai 600 006.

13.K.Kalaivani

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents 1 to 13 from issuing any dealership for vending petroleum retail outlet through the Land Comprised in S.No.422/1/E1B Velampalayam Village Tirpur North Taluk in Pursuant to the notification dated 24.11.2018 issued on behalf of Indian Oil corporation Ltd.

For Petitioner : Mr.G.Ethirajulu
For Respondents : Mr.Mohammed Fayaz Ali
for respondents 1 to 6

ORDER
(made by the Hon'ble Chief Justice)

The grievance in this public interest litigation is that a petrol pump is proposed to be set up right next to a cinema hall that has a seating capacity of 600. The petitioner claims that since the father owns the cinema hall and the daughter proposes to set up the petrol pump, there is no complaint on behalf of the cinema hall as to the location of the proposed petrol pump.



2. The oil company is represented and says that there are guidelines of 2009 which are in place and such guidelines do not prohibit the setting up of a petrol pump next to a cinema hall. In addition, according to the oil company, the Central Pollution Control Board has issued certain norms in 2019 that require the fueling pump or the storage area to be at least 15 meter away from any hospital or school or residential place.

3. It is further pointed out on behalf of the oil company that the petition is premature since no decision has been taken by the local authorities yet to clear the site for a petrol pump to be set up thereat.

4. Since it appears that no decision has yet been taken to set up a petrol pump at the relevant site, the writ petition is disposed of without going into the petitioner's objections. However, it is made clear that in the event a decision is taken to set up a petrol pump at the relevant site, it will be open to the petitioner or to any other person interested to object thereto and take appropriate steps to resist the same in accordance with law.

5. W.P.No.34716 of 2019 is disposed of as premature. Consequently, W.M.P.No.35472 of 2019 is closed. There will be no order as to costs.

-s/d-

Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

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To:

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+1 CC to Mr.G.Ethirajulu, Advocate sr 22515.

W.P.No.34716 of 2019

PL(CO)
SP(12/08/2021)