



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.NO.26812 OF 2019

R.Parimala

... Petitioner

.Vs.

1. The Government of Tamil Nadu,
Rep. by Home Secretary,
Secretariat, Fort St. George,
Chennai.
2. The Principal Secretary,
Housing and Urban Development Department,
Fort St. George,
Chennai.
3. The Principal Secretary,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai.
4. The Member Secretary,
The Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai - 32.
5. The Environment Directorate,
Rep. by its Director,
Panagal Buildings, Ground Floor,
No.1, Jennys Road, Saidapet,
Chennai - 15.
6. The Directorate of Fire and Rescue Services,
Rep. by its Directors,
No.17, Rukmani Lakshmipathi Road,
Egmore, Chennai - 8.



7. The District Collector,
District Collector Office,
Rajaji Salai, Chennai - 01.
8. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai.
9. The Commissioner of Police,
Greater Chennai Police,
Egmore, Chennai.
10. The Chennai Metropolitan Development
Authority (CMDA),
Rep. by its Member Secretary,
Thalamuthu Natarajan Building,
Gandhi Irwin Road,
Chennai - 8.
11. The Chairman,
The Petroleum & Natural Gas
Regulatory Board (PNGRB),
Word Trade Centre, Babar Road,
New Delhi - 110 001.
12. M/s. Confidence Petroleum India Ltd.,
Rep. by its Managing Director,
Landmark Building, Ramdas Pett,
Nagpur - 440 012.
13. The Petroleum & Explosives
Safety Organization,
Rep. by its Joint Chief
Controller of Explosives,
A and D - Wing, Block 1-8,
Second Floor, Shastri Bhavan,
26, Haddows Road,
Nungambakkam,
Chennai - 600 006.

... Respondents

(Respondent No.13 impleaded as per the
order of this Court dated 09.09.2021)

PRAYER:-

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the Respondents 1 to 11 and 13 to take prohibitory and preventive action against



respondent No.12 forbearing and preventing from installing the LPG gas station at No.5, Jumbulingam Street, Nungambakkam, Chennai-34 and forbearing respondent No.12 from installing, constructing, carrying out and operating LPG filling station at Old No.1, New No.3, Jumbulingam Street, Nungambakkam, Chennai-34.

For the Petitioner : Mr.S.Sakthi Ganapathy

For the Respondents : Mr.P.Muthukumar
State Government Pleader
For Respondent Nos.1 to 3,
6, 7 and 9

: Mr.M.Vijayan
For M/s.King & Partridge
For Respondent No.12

: M/s.Shanmugavalli Sekar
Standing Counsel
For Respondent No.4

: Mr.R.Gopinath
Standing Counsel
For Respondent No.8

: No Appearance
For Respondent Nos.11 and 13

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

The writ petition was ordered to be posted today to provide an opportunity of hearing to the petitioner as none appeared yesterday when the matter was taken up for hearing.

2. The writ petition has been filed for prohibitory and preventive action forbearing the respondent No.12 from installing LPG Gas Station at No.5, Jumbulingam Street, Nungambakkam, Chennai-34.



3. Learned counsel appearing for respondent No.12 submits that the LPG Gas Station started operation from 18.04.2019 itself after obtaining no objection in the month of January, 2019 and, therefore, the direction sought by the petitioner has become infructuous on the date of filing of the writ petition itself. He would submit that the petitioner has deliberately suppressed the fact regarding the operation of the LPG Gas Station since 18.04.2019. Accordingly, a prayer is made to dismiss the writ petition.

4. Learned counsel for the petitioner prayed for an adjournment. The prayer for adjournment is declined because the writ petition was fixed today by this Court to provide an opportunity of hearing to the petitioner when none appeared on her behalf on 03.01.2022 and also in the circumstances that the direction sought in the writ petition has become infructuous on the date of filing of the writ petition itself i.e. 06.08.2019, as the LPG Gas Station has become operational much earlier on 18.04.2019 itself.

5. The prayer made in the writ petition seeking prohibitory and preventive action forbearing the respondent No.12 from establishing or installing the LPG Gas Station cannot be granted, as it was made operational much prior to the date of filing of the writ petition. Thus, the prayer made in the writ petition has become infructuous even on the date of filing of the writ petition itself. The writ petition was not filed after ascertaining the facts regarding the date of operation of the LPG Gas Station.

6. In view of the above, the writ petition is dismissed. There will be no order as to costs. Consequently, W.M.P.No.26213 of 2019 is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Home Secretary,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai.



2. The Principal Secretary,
Housing and Urban Development Department,
Fort St. George,
Chennai.

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3. The Principal Secretary,
Health and Family Welfare Department,
Secretariat, Fort St. George,
Chennai.

4. The Member Secretary,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai - 32.

5. The Director,
Environment Directorate,
Panagal Buildings, Ground Floor,
No.1, Jennys Road, Saidapet,
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6. The Directors,
Directorate of Fire and Rescue Services,
No.17, Rukmani Lakshmipathi Road,
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7. The District Collector,
District Collector Office,
Rajaji Salai, Chennai - 01.

8. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai.

9. The Commissioner of Police,
Greater Chennai Police,
Egmore, Chennai.

10. The Member Secretary,
Chennai Metropolitan Development
Authority (CMDA),
Thalamuthu Natarajan Building,
Gandhi Irwin Road, Chennai - 8.

11. The Chairman,
The Petroleum & Natural Gas
Regulatory Board (PNGRB),
Word Trade Centre, Babar Road,
New Delhi - 110 001.



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12. The Joint Chief Controller of Explosives,
Petroleum & Explosives Safety Organization,
A and D - Wing, Block 1-8,
Second Floor, Shastri Bhavan,
26, Haddows Road,
Nungambakkam,
Chennai - 600 006.

+1cc to M/s.Shanmugavalli Sekar, Advocate, S.R.No.395
+1cc to Mr.R.Gopinath, Advocate, S.R.No.308
+1cc to M/s.King & Partridge, Advocate, S.R.No.284
+1cc to the Government Pleader, S.R.No.694

W.P.NO.26812 OF 2019

KSM(CO)
PBS/10/01/2022