



W.P.No.20287 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.03.2023

C O R A M

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.20287 of 2018
and
W.M.P.No.23819 of 2018

P.Velliangiri

... Petitioner

Vs

1. The District Collector,
Coimbatore,
2. The Regional Manager,
Bharat Petroleum Corporation Ltd,
1, 15th Main Road,
Ranganathan Garden,
Anna Nagar, Chennai-600 040.
3. The Joint Commissioner of Explosives,
Shastri Bhavan,
Haddows Road,
Nungambakkam Chennai.
4. Mrs. Sathiya Geetha
Proprietrix
Popular Bharat Gas Service
Office No.6/62, Veeriyampalayam Road
Nehru Nagar,
Kalapatti Post, Coimbatore

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue Mandamus or any other order or direction in the nature Writ direction the Respondents 1 and 3 to consider the petitioner's representations dated 23.04.2018 and 25.06.2018 and further direct the respondents 1 to 3 not to grant permission to set up Gas Godown to the 4th respondent at No.647/4A, Vellanaipatti Village, Coimbatore.

For Petitioner ... M/s.V.Ashok Kumar
For Respondents ... Mr.M.S.Prem Kumar,
Government Advocate for R1
... M/s.V.Anantha Natarajan for R2
... M/s.A.Thiyagarajan for R3
... Mr.K.Pondiarajan for R4

ORDER

This Writ Petition has been filed seeking a direction to respondents 1 and 3 to consider the representations made on 23.04.2018 and 25.06.2018 objecting grant of permission to the 4th respondent herein to set up a Gas godown in S.F.No.647/4A.

2. It is the case of the petitioner that he is residing in the agricultural lands situated in S.F.Nos. 629 & 647/1A wherein the 4th respondent had



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proposed to set up a Gas godown. In this regard, the petitioner made an application to the 2nd respondent under the Right to Information Act, in which, the petitioner was informed that grant of permission to the 4th respondent with regard to setting up of a Gas godown is under process. However, the petitioner along with other village farmers made objections with regard to grant of permission for the said proposal, through their representations dated 17.04.2018 and 25.06.2018 to the respondents 1 to 3. However, the same was not considered by the respondents. Hence, the present Writ Petitions have been filed.

3. Though very many grounds have been raised, however, the learned counsel for the petitioner submits that it would suffice if this Court issues a direction to respondents 1 to 3 to consider the representations dated 17.04.2018 and 25.06.2018 and pass appropriate orders in accordance with law within the time frame fixed by this Court.

4. Learned counsel for the 2nd respondent submits that even prior to filing of this Writ Petition, permission was granted to the 4th respondent for setting up a Gas godown vide order dated 22.06.2018. Without challenging the said order, filing of Writ Petition before this Court is not sustainable.



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5. This Court heard the learned counsel appearing on either side and perused the materials available on record.

6. In view of the fact that, permission for setting up a Gas godown was already granted in the year 2018, even prior to the filing of this Writ Petition, without challenging the said order, filing Writ Petition before this Court is not sustainable. Hence, the prayer sought for in this Writ Petition cannot be acceded to. However, liberty is granted to the petitioner work out the remedy in the manner known to law.

7. For the reasons aforesaid, this Writ Petition stands dismissed. No Costs. Consequently, the connected Miscellaneous Petition stands closed.

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M.DHANDAPANI, J.

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