



W.P(MD)No.1894 of 2014

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.1894 of 2014 and
MP(MD) No.2 of 2014

Francis Markus

...Petitioner

Vs.

- 1.The Chief Secretary,
Ministry of Petroleum and Natural Gas,
New Delhi.
- 2.The Joint Chief Controller of Explosives,
(South Circle),
140, Rukmini Laxmipati Road,
Egmore,
Chennai – 600 008.
- 3.The Deputy Chief Controller of Explosives,
Sivakasi Sub Circle Office,
FRDC Complex, Near ESI Hospital,
Sivakasi West – 626 130,
Virudhunagar District.
- 4.Hindustan Petroleum Corporation Limited,
Rep by its Regional Manager,
Plot No.167-172, Sidco Industrial Area,
South Phase, Kappalur -NA,
Madurai District.



W.P(MD)No.1894 of 2014

WEB COM

5.Maheswaran
6.Narrashimhalu

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the second respondent order of License to store petroleum in tanks in connection with pump outfit for fueling motor conveyances in No.P/SC/TN/14/304 (P30965) dated nil and consequent 3rd respondent communication in No.P/SC/TN/14/304(P30965), dated 29.08.2013 granted to the fourth respondent and quash the same.

For Petitioner	: Mr.A.Haja Mohideen
For R1 & R3	: Mr.S.Jeya Singh Central Government Standing Counsel
For R2	: Mr.G.V.Vairam Santhosh Additional Government Pleader
For R4	: Mr.M.Sridhar
For R5	: Mr.R.R.Kannan
For R6	: No appearance

ORDER

This writ petition is filed as against the order of the second respondent/the Joint Chief Controller of Explosives, Chennai



W.P(MD)No.1894 of 2014

WEB COPY

in granting licence to the fourth respondent/Hindustan Petroleum Corporation Limited, Madurai to store petroleum in tanks in connection with pump outfit for fueling motor conveyances.

2.The petitioner has purchased the land in Survey No.T.S.No.470/1B, Door No.2, West Veli Street, Madurai, to an extent of 3230 sq.feet from his vendors on 14.02.2012 vide registered sale deed document No.697/2012. The fourth respondent/Hindustan Petroleum Corporation Limited, has established a Petroleum Service Station in the year 1954 in the above land. The explosive license granted to the fourth respondent has been periodically extended. The original owner of the land has sold the land to this petitioner, where the Petroleum Service Station is located. This petitioner is not inclined to permit the fourth respondent to continue the petroleum outlet in his land. A civil suit in O.S.No.1098 of 2009 initiated by the vendors of the petitioner for eviction of the fourth respondent is still pending. In the meantime, the petitioner /the land owner has also made a request to cancel the



W.P(MD)No.1894 of 2014

WEB COPY

licence issued by the second respondent in favour of the fourth respondent, under the Explosives Act, 1884. It is now reported that the explosives Licence granted by the second respondent was cancelled by an order dated 22.02.2021 and that order has not been challenged by the fourth respondent. However, the fourth respondent has not vacated the petitioner's land so far.

3.The learned counsel appearing for the fourth respondent submits that in view of the order passed by the second respondent dated 22.02.2021, cancelling the explosive license granted to the fourth respondent, nothing survives in this writ petition. He further submits that the fourth respondent is not running the outlet since March 2019 and he has also taken necessary steps to remove the machineries/materials from the petitioner's land. The learned counsel gave an undertaking that the process of vacating the land would be completed on or before 10.05.2023.



W.P(MD)No.1894 of 2014

WEB COPY

4. Recording the undertaking given by the fourth respondent and in view of the order passed by the second respondent, dated 22.02.2021, cancelling the explosive license of the fourth respondent, this writ petition is closed as no further order is required. There shall be a direction to the fourth respondent to vacate the petitioner's land on or before 10.05.2023. It is always open to the petitioner to work out his remedy for any compensation as against the fourth respondent, if any, in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is closed.

17.04.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

vrn



W.P(MD)No.1894 of 2014

To
WEB COPY

- 1.The Chief Secretary,
Ministry of Petroleum and Natural Gas,
New Delhi.
- 2.The Joint Chief Controller of Explosives,
(South Circle),
140, Rukmini Laxmipati Road,
Egmore,
Chennai – 600 008.
- 3.The Deputy Chief Controller of Explosives,
Sivakasi Sub Circle Office,
FRDC Complex, Near ESI Hospital,
Sivakasi West – 626 130,
Virudhunagar District.
- 4.Hindustan Petroleum Corporation Limited,
Rep by its Regional Manager,
Plot No.167-172, Sidco Industrial Area,
South Phase, Kappalur -NA,
Madurai District.



WEB COPY



W.P(MD)No.1894 of 2014

B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.1894 of 2014 and
MP(MD) No.2 of 2014

17.04.2023