



W.P.(MD)No.20085 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :31.01.2023

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.20085 of 2014

Appadurai

... Petitioner

Vs.

- 1.The District Collector,
Karur District, Karur.
- 2.The District Supply Officer/
Consumer Protection Officer,
Karur District, Karur.
- 3.The Block Development Officer,
Thogaimalai Panchayat Union,
Thogaimalai 621 313,
Kulithalai Taluk, Karur District.
- 4.The Director (Marketing),
Hindustan Petroleum Corporation Limited,
Corporate Head Quarters,
No.17, Jamshedji Tata Road,
Mumbai 400 001.
- 5.The Regional Manager,
Hindustan Petroleum Corporation Limited,
Hindustan Petroleum House,
D.No.18/3 Big Bazaar Street, Coimbatore 641 001.



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6. The Regional Officer,
Hindustan Petroleum Corporation Limited,
No.90, 2nd Floor, MDSR Enclave,
Bharadhidasan Road, Cantonment,
Tiruchirappalli.

7. Vasanthi.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 6 to restrain the seventh respondent from constructing godown in the residential area nearer to the residence of the petitioner based on his representation dated 21.10.2014 and 11.11.2014.

For Petitioner : Mr. T. M. Madasamy

For Respondents : Mr. R. Ragavendran
Government Advocate for R1 to R3

: Mr. M. Sridhar for R4 to R6

: Mr. C. Nihil Nandhu for
Mr. B. Saravanan for R7

ORDER

This writ petition has been filed seeking for a Mandamus, directing the respondents 1 to 6 to restrain the seventh respondent from constructing godown in the residential area nearer to the residence of the



petitioner based on his representations dated 21.10.2014 and 11.11.2014.

2. The case of the petitioner is that he is a resident of Vedhachalapuram, Thogaimalai, Kulithalai Taluk, Karur District. He would allege that the seventh respondent had obtained an allotment of LPG Cylinder distributorship at Thogaimalai from the Hindustan Petroleum Corporation Limited (HPCL) and the seventh respondent has constructed a godown in the area. He would submit that the said proposed godown is adjacent to Thogaimalai Panchayat Union Office, Thogaimalai Child Nutrition Training Centre, Inspection Bungalow of Public Works Department, Veterinary Hospital, Statistics Department and also various residential buildings are also abutting the godown. Hence, he would submit that the godown cannot be situated in such a residential area. In spite of his representation to the respondents, no action has been initiated and that the godown is in operation, which would be endangering the residents living in the locality and sought to take action against the grant of dealership licence. Hence, he prayed to restrain the seventh respondent from constructing the godown.



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5. The learned counsel for the respondents 1 to 3 would submit that there is no separate classification and that it falls within the Panchayat. He would also submit that apart from the residential houses, there are other public buildings/commercial buildings in the locality and the petitioner himself has admitted the same in the writ petition. Hence, the prayer in this writ petition is not maintainable.

6. I have considered the rival submissions made by the learned counsel appearing on either side.

7. It has been accepted by all the counsel appearing on either side, that the godown has already been constructed and is being fully functional for the past 10 years. Since the prayer in the writ petition is only seeking to restrain the seventh respondent from constructing a godown, considering that the lives of the people residing in the locality would be endangered, I find no further adjudication is required to be made in this writ petition. However, the petitioner will be at liberty to approach the appropriate authority to redress his grievance.



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8. In the light of the above findings, there is no necessity to issue the direction as prayed for in this writ petition.

9. In fine, the writ petition is dismissed, however, with the liberty as aforementioned. There shall be no orders as to costs.

31.01.2023

Index : Yes / No
Speaking Order/Non Speaking Order
sbm



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