



W.P.No.5899 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2024

CORAM :

THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.5899 of 2024

G.Balasubramaniam

.. Petitioner

Vs

- 1.The Joint Chief Controller of Explosives,
South Circle, Chennai,
Petroleum and Explosives Safety Organisation (PESO),
A and D Wing, Block 1-8, 2nd Floor,
Sastri Bhawan, No.26, Haddows Road,
Nungambakkam, Chennai-600 006.
- 2.The District Revenue Officer,
Tiruppur District, Collectorate,
Cotton Market Building,
Tiruppur District-641 604.
- 3.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Tiruppur South, 12A, Pollachi By-Pass Road,
Palladam, Tiruppur-641 664.



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- 4.The Regional Director,
Central Pollution Control Board,
Regional Directorate (Chennai),
2nd Floor, 77-A, South Avenue Road,
Ambattur Industrial Estate,
Chennai-600 058.
- 5.The Divisional Engineer,
(Construction and Maintenance),
High ways Department,
Door No.39, Chikkanna, College Road,
Kallampalayam,
Tiruppur-641 602.
- 6.The Regional Manager – Retail,
Hindustan Petroleum Corporation Limited,
Coimbatore Retail Regional Office,
HP House, No.18/3, Big Bazaar Street,
Coimbatore-641 001.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records of the Prior Site Approval No.A/P/SC/TN/14/12175 (P581664) dated 29.12.2023 issued by the first respondent in favour of the sixth respondent and quash the same and consequently direct the respondents 1 to 5 to conduct an enquiry and joint survey of the proposed site before issuing Final Explosive Licence to the sixth respondent to commission and operate the proposed Road side New Petrol/Diesel Retail Outlet on Peruntholuvu-Mudhalipalayam Road at Survey No.413/1A, Peruntholuvu village Limits, Peruntholuvu (post), Tiruppur South Taluk, Tiruppur District- 641 665.



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For the Petitioner : Mr.V.B.R.Menon

For the Respondents : Mr.K.S.Jeyaganeshan
Sr. Panel Counsel
for respondent No.1

: Mr.Karthik Nagannath
Government Advocate
for repondent Nos.2 and 5

: Ms.Shanmugavalli Sekar
for respondent No.3

: Ms.M.Swarnalatha
Standing Counsel
for respondent No.4

: Mr.Mohammed Fayaz Ali
for respondent No.6

ORDER

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

Heard Mr.V.B.R.Menon, learned counsel for the petitioner;
Mr.K.S.Jeyaganeshan, learned Senior Panel Counsel for the first
respondent; Mr.Karthik Jagannath, learned Government Advocate for
respondents 2 and 5; Ms.Shanmugavalli Sekar, learned counsel for the
third respondent; Ms.M.Swarnalatha, learned Standing Counsel for the



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fourth respondent; and, Mr.Mohammed Fayaz Ali, learned counsel for the sixth respondent.

2. Questioning the prior site approval dated 29.12.2023 granted in favour of the sixth respondent and seeking a direction against respondents 1 to 5 to conduct an enquiry and joint survey of the proposed site before issuing final explosive licence to commission and operate the proposed road side new petrol/diesel retail outlet on Peruntholuvu-Mudhalipalayam Road at Survey No.413/1A, Peruntholuvu village limits, Peruntholuvu (post), Tiruppur South Taluk, the petitioner has filed the present writ petition.

3. Today, when the writ petition is taken up for hearing, learned counsel for the petitioner submitted that the prior approval dated 29.12.2023 granted in favour of the sixth respondent has been cancelled by the first respondent on 20.5.2024. Further, no objection certificate sought by the sixth respondent to commission and operate the road side new petrol/diesel retail outlet on Peruntholuvu-Mudhalipalayam Road has been rejected by the second respondent on



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12.6.2024. He has also filed a memo enclosing the copies of the said orders passed by respondents 1 and 2 and prayed to close the writ petition.

4. Recording the memo filed by learned counsel for the petitioner, the writ petition is closed. However, we make it clear that before issuing the prior approval or no objection certificate for commissioning and operation of a new petrol/diesel retail outlet, the authorities concerned have to follow the directions issued by this Court in W.P.No.2095 of 2021, dated 15.02.2024 [*V.B.R.Menon v. The Secretary, Ministry of Petroleum and Natural Gas, A-Wing, Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi-110 001 and others*] in letter and spirit.

There shall be no order as to costs. Consequently, W.M.P.Nos.6531 and 6533 of 2024 are also closed.

(R.M.D., ACJ.) (M.S.Q., J.)
02.07.2024

Index : Yes/No



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: Yes/No



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To:

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