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W.P.No.21237 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.21237 of 2019
and
W.M.P.No.20437 of 2019

1. Saraswathi (Deceased)
2. A.Ganesan
(P2 Substituted as LRs of Deceased P1,
as per order
dated 05.03.2024 in
W.M.P.No.6147 of 2024
in W.P.No.21237 of 2019) ...Petitioners

-Vs-

1. The District Collector,
The District Collectorate,
Erode.
2. The District Revenue Officer,
Erode District.
3. The Deputy Chief Controller of Explosives,
A and D Wing, Block 1-8, II Floor,
Shatri Bhavan,
26, Haddous Road, Nungampakkam,
Chennai – 600 006.
4. KR Fuels,
No.20, Lansons,
Cantonment,
Trichirapalli 620 001. ...Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, call for the records of the 2nd respondent pertaining to petition No. 2019/9005/10/075092/0617 dated 17.06.2019 and to quash the order dated 28.06.2019 as it is against existing Rules and Regulations and Recommendations made by various Committees consequently quash the licence granted by the 3rd respondent to the 4th respondent to establish an Auto LPG dispensing station in the plot comprised in Survey No. 1164, Erode Village, Erode Taluk situated adjacent to the petitioner house within the prohibited distance.

(Prayer amended as per order dated 17.09.2019 in W.M.P.No.23947 of 2019 in W.P.No. 21237 of 2019)

For Petitioners	: Mr.P.Sesubalan Raja
For R1 to R2	: Mr.S.J.Mohamed Sathik Government Advocate
For R3	: Mr.K.Venkatesh Babu SPC
For R4	: Mr.AR.Karthik Lakshmanan

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent dated 28.06.2019, thereby rejected the objections raised by the petitioner for grant of license to the fourth respondent to establish an Auto LPG dispensing station in the plot comprised in Survey No.1164, Erode Village, Erode.

(Prayer amended as per order dated 17.09.2019 in W.M.P.No.23947 of 2019 in W.P.No. 21237 of 2019)



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2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner is residing at Door No.246, Rajiv Nagar, Karur By-pass Road, Erode. The third respondent was making arrangements to start an Auto LPG Dispensing Station (herein after called as “ALDS facilities”) in the vacant plot situated adjacent to the petitioner's house. As per the recommendation of the Task Force, the third respondent ought to have installed its fill point and the center of tanker from 15 meters away from the petitioner's house. However, it is practically not possible for the third respondent to leave 15 meters distance from the petitioner's house. Further, the said ALDS facilities should not be set up in locations which are situated on roads having high traffic density. Therefore, the petitioner submitted a representation dated 10.06.2019 to the officials concerned stating not to issue No Objection Certificate to the third respondent to start an ALDS facilities in the adjacent plot. However, the request made by the petitioner was rejected on 28.06.2019. Hence, this writ petition.



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4. The learned counsel for the petitioner would submit that by the communication dated 09.07.2019, the Ministry of Commerce and Industry and Petroleum and Explosives Safety Organization, the Government of India informed the petitioner that the license for operating ALDS was granted on receipt of the No Objection Certificate from the District Authority as required under Rule 47 of the SMPV (U) Rules, 2016. Therefore, the petitioner was directed to approach the District Authority, Erode for redressal of her grievance. Therefore, without considering the objections raised by the petitioner, the fourth respondent was granted license.

5. A perusal of the counter filed by the third respondent revealed that the license in Form LS-1B of SMPV (U) Rules, 2016 has been granted on 05.09.2019 by the Chief Controller of Explosives, Nagpur to the fourth respondent to store and dispense Liquefied Petroleum Gas in Liquefied Petroleum Gas Dispensing Station as Automotive Fuel to motor vehicles at S.No.1164/2C4B, Karur By pass road, Rajiv Nagar, Moolapalayam, Erode. The License was granted on fulfilling the provisions of the said rules. The safety distance as per the Table 5 of the Rules is maintained in and around Auto LPG Dispensing Station.



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6. It was further revealed that no provision of the Category 3 is laid down under the Rules. The safety distances of the different facilities for storage of LPG in vessel and dispensing pumps from the property line as per the Table 3 and 5 of the Rules has been taken into consideration while according the approval by the Office of the Chief Controller of Explosives, Petroleum and Explosives Safety Organization, Nagpur. Therefore, after considering the objections raised by the petitioner before the respondents, license was granted. That apart, only after issuance of No Objection Certificate, the fourth respondent was granted license.

7. A perusal of records also revealed that the second respondent made field inspection on 13.02.2019, in the fourth respondent site, on receipt of the objections from the general public and as directed by the District Officer, Fire and Rescue Service, Erode. After inspection, it was reported that there are no structures like Hospital or Schools or dangerous places as objected by the public. After being fully satisfied and after considering the objections, No Objection Certificate was issued on 07.03.2019 under Rule 47 of the Static and Mobile Pressure Vessels (unfired) Rules, 2016 for the storage of 20 Kilo litres



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of class Auto LPG products in the underground storage tanks constructed in the fourth respondent site, on condition that a protective wall to be constructed to a height of six feet. Accordingly, the said condition was duly complied with by the fourth respondent and thereafter, the license was issued in favour of the fourth respondent.

8. In view of the above, this Court finds no infirmity or illegality in the order passed by the second respondent and the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

30.04.2024

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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To

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G.K.ILANTHIRAIYAN. J,

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