

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2015

Coram

The Hon'ble Mr. Justice T.S.SIVAGNANAM

W.P.No.21685 of 2014

and

M.P.No.1 of 2014

J.Kumar

.. Petitioner

Vs.

The Chief Divisional Retail Sales Manager,
Indian Oil Corporation Ltd.,
Chennai Divisional Office,
No.500, Anna Salai, Teynampet,
Chennai - 18.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari to call for the records relating to the notice in Ref.MDR 129/COCO VEL dated 28.07.2014 on the file of the respondent and quash the same.

For Petitioner .. Mr.S.Doraisamy
For Respondent .. Mr.R.Ravi

ORDER

Heard Mr.S.Doarisamy, learned counsel for the petitioner and Mr.R.Ravi, learned counsel for the respondent.

2.The petitioner seeks for quashing the proceedings dated 28.07.2014, by which the respondent Corporation has directed the petitioner to vacate and hand over vacant possession of the outlet to the respondent. In fact, identical issue came up for consideration before the Madurai Bench of this Court in W.P.(MD) Nos.12102 to 12104 of 2014. Those cases were disposed of based on the direction issued by the Honourable First Bench. The relevant portion of the order reads as follows:

"3..... (ii)If the Indian Oil Corporation is satisfied with the performance of the Present M&H Contractors, no precipitative action would be necessary. If they are not satisfied, then they will put the relevant parties to notice of their intent to change on account of lack of performance, so that the parties have a right to explain their stand.

(iii)Needless to say, if a new policy would come into operation, its applicability would depend on how that policy is structured."

3.The learned counsel for the respondent Oil Corporation submitted that the respondent Corporation has not conceded to agree to the terms which were recorded by the Honourable First Bench while disposing of the writ appeals in W.A. Nos.309 and 377 of 2010 and W.P. (MD) Nos.4532, 3962, 3481 and 1255 of 2007 dated 25.08.2014. It is to be noted that the Honourable First Bench passed the said order taking into consideration the change of policy of the Government of India and at the same time, protecting the respondent Oil Corporation and reserving their right to take action. In the event the respondent Oil Corporation is satisfied with the performance of M&H Contractors, no precipitative action would be necessary. However, they were given liberty to act in accordance with the agreement, if they are not satisfied, after putting the parties on notice. I am of the view that the order passed by the Honourable First Bench while substantially safeguarding the interest of the respondent Corporation also protects the interest of the M & H Contractors in the light of the policy decision taken by the Government of India. Therefore, this Court is inclined to follow the order passed by the Honourable First Bench and accordingly, this writ petition is disposed of in the following terms:

"3..... (ii)If the Indian Oil Corporation is satisfied with the performance of the Present M&H Contractors, no precipitative action would be necessary. If they are not satisfied, then they will put the relevant parties to notice of their intent to change on account of lack of performance, so that the parties have a right to explain their stand.

(iii)Needless to say, if a new policy would come into operation, its applicability would depend on how that policy is structured."

No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi

To

The Chief Divisional Retail Sales Manager,
Indian Oil Corporation Ltd.,
Chennai Divisional Office,
No.500, Anna Salai, Teynampet,
Chennai - 18.

+ 1 cc to Mr. S. Doraisamy, Advocate Sr.8285

W.P.No.21685 of 2014

VSN(CO)
Eu 06.03.15



WEB COPY