

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2015

CORAM

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

W.P.Nos.23732 to 23735 of 2014
and
M.P.Nos.1,1,1 and 1 of 2014

P.Vijay Ganesh ... Petitioner in
W.P.No.23732 of 2014
G.Ravichandran ... Petitioner in
W.P.No.23733 of 2014
M.Ravichandran ... Petitioner in
W.P.No.23734 of 2014
C.Nandhinidevi ... Petitioner in
W.P.No.23735 of 2014

Vs.

The Senior Regional Manager,
Hindustan Petroleum Corporation
Ltd., Coimbatore Regional Office,
18/3, Big Bazaar Street,
Coimbatore - 641 001.

... Respondent in all the W.Ps

Petitions filed under Article 226 of the Constitution of India
praying to issue a writ of certiorari to call for the records
relating to the Ref.CBERO/BCT/KVN/RET dated 20.08.2014 on the file of
the respondent and quash the same.

For Petitioners : Mr.S.Doraisamy
in all W.Ps

For Respondent : Mr.M.Vijayan
for M/s.King and Patridge
in all W.Ps

COMMON ORDER

Heard Mr.S.Doarisamy, learned counsel for the petitioners and Mr.M.Vijayan, learned counsel representing M/s.King and Patridge, for the respondent.

2.The petitioners seek for quashing the proceedings dated 20.08.2014, by which the respondent Corporation has directed the petitioners to vacate and hand over vacant possession of the outlets 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, these writ petitions are 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 petitions are closed.

Sd/-
Deputy Registrar

/true copy/

Sub Deputy Registrar.

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To

The Senior Regional Manager,
Hindustan Petroleum Corporation
Ltd., Coimbatore Regional Office,
18/3, Big Bazaar Street,
Coimbatore - 641 001.

+4cc to M/s.king and Partridge, Advocate, S.R.No.9278,9277,9276 & 9275
+4cc to M/s.S.Duraisamy, Advocate, S.R.No.9285
+1cc to the Government Pleader, S.R.No.9160

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