

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 7-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.9956 of 2015

The Territory Manager-Retail
Bharat Petroleum Corporation Ltd
No.35, Vaidyanathan Street
Tondiarpet, Chennai 600 081

.. Petitioner

vs

- 1.The Director General of Police
Post Box No.601
Dr.Radhakrishnan Salai
Chennai 600 004
- 2.Ministry of Commerce & Industry
Petroleum & Explosives Safety
Organisation (PESO)
A & D - Wing, Block 1-8, II Floor
Shastri Bhavan,
26, Haddows Road
Nungambakkam, Chennai 600 006

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to take the appeal filed by the petitioner Corporation sent by RPAD on 11.9.2012 invoking the provisions of Rule 154 of the Petroleum Rules, 2002 and dispose of the same in accordance with law.

For Petitioner : Mr.O.R.Santhanakrishnan

For Respondents : Mr.V.Subbiah

Special Government Pleader
for R1

Mr.V.Venkatesan
SCGSC for R2

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner is a Public Sector enterprise coming under the control of the Ministry of Petroleum and Natural Gas, Government of India and it has put a retail outlet at Pantheon Road, Egmore, Chennai, which belongs to the respondents 2 to 4. According to the petitioner, the superstructure as well as the underground storage tank, fittings, etc., are provided by them at it's own cost and they

belong to the Corporation. There were series of litigations between the owners of the property and the petitioner and W.P.No.25423/2007 was filed for issuance of a writ of mandamus directing the Commissioner of Police, Chennai City and/or the Joint Controller of Explosives, Ministry of Commerce and Industry, Petroleum and Explosives Safety Organisation, to cancel the licence or the No Objection Certificate issued to the petitioner herein in respect of the property in question. This Court vide order dated 19.2.2010, has disposed of the writ petition by directing the Designated Authority viz. the Commissioner of Police, to consider the representations dated 10.5.2006 and 1.2.2007, submitted by the landlords and pass orders on merits and to decide whether the petitioner-Corporation is entitled to get renewal of licence under Rule 148 of the Petroleum Rules, 2002.

3. Accordingly, the Designated Authority viz. the Commissioner of Police, has issued a letter dated 9.4.2010, calling upon the petitioner herein to produce documents such as lease deed or any other written document to substantiate its claim on or before 9.4.2010. Subsequently, a fresh date of hearing was given and on 28.4.2010, an Advocate representing the petitioner, appeared before the Commissioner of Police and submitted oral arguments and also filed written submissions along with typed-set of documents. The Designated Authority viz. the Commissioner of Police, has passed an order on 29.7.2010, cancelling the No Objection Certificate and challenging the legality of the same, the petitioner filed W.P.No.19196/2010 to quash the said order and it was disposed of on 22.12.2010, with a direction to the landlords to furnish a copy of the representation dated 24.5.2010, submitted by them and liberty was also granted to the petitioner to submit a detailed representation to the said Authority and on such receipt, the Designated Authority was directed to dispose of the same after giving adequate opportunity to the parties. The Designated Authority has passed final orders on 15.2.2012, cancelling the No Objection Certificate. Once again, a challenge was made by filing W.P.No.4433/2012 and it was disposed of on 3.8.2012, granting liberty to the petitioner herein to avail the alternate remedy under Rule 154 of the Petroleum Rules. It is the case of the petitioner that an appeal under the said Rule was filed on 11.9.2012, and though very many reminders were sent, the first respondent did not choose to pass orders and therefore, the petitioner came forward to file this writ petition.

4. Heard the submissions of the learned Counsel appearing for the petitioner, Mr.V.Subbiah, learned Special Government Pleader, who takes notice for the first respondent, and Mr.V.Venkatesan, learned Senior Central Government Standing Counsel, who takes notice for the second respondent - a formal party.

5. This Court, taking into consideration the limited scope of prayer sought for by the petitioner, and without going into the merits of the appeal, directs the first respondent to dispose of the Appeal. Petitioner/Memorandum dated 11.9.2012, submitted by the petitioner-Corporation, on merits and in accordance with law, as expeditiously as possible and not later than six weeks from the date

of receipt of a copy of this order and communicate the decision to the petitioner. The writ petition accordingly, stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsv

To:

1.The Director General of Police

Post Box No.601

Dr.Radhakrishnan Salai

Chennai 600 004

2.The Authorised Signatory

Ministry of Commerce & Industry

Petroleum & Explosives Safety

Organisation (PESO)

A & D - Wing, Block 1-8, II Floor

Shastri Bhavan,

26, Haddows Road

Nungambakkam, Chennai 600 006.

1 cc to Mr.O.R.SanthanaKrishnan ,Advocate, SR.No.19073

1 cc to Government Pleader,Sr.No19274

W.P.No.9956 of 2015

rsk(co)

pmk.17.4.2015

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