

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.18160 of 2016

and

W.M.P.Nos.15925 to 15927 of 2016

Vinoth B

Partner

M/s.Karthikeyan Auto Service

266, Gandhi Road,

Arni, Thiruvannamalai District.

... Petitioner

Vs.

1.The District collector,
Thiruvannamalai,
Thiruvannamalai District.

2.Hindustan Petroleum Corporation Ltd.,
rep by its Chief Regional Manager,
Chennai Retail Regional Office,
8, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

3.R.Srinivasan

4.R.Vishnu

5.R.Satish

6.Jothi

7.Sridevi

8.Andal

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of certiorarified mandamus calling for the records of the 1st respondent in Na.Ka./C3/11970/2014 dated 29.04.2016, quash the same and consequently, direct the 2nd respondent to supply petrol/diesel to petitioner's petrol bunk M/s.Karthikeyan Auto Service at No.266, Gandhi Irwin Road, Arni, Thiruvannamalai pending resolution of dispute in respect of the appeal filed by the 2nd respondent.

For Petitioner : Mr.Niranjan Rajagopalan
for M/s.G.R.Associates

For Respondents: Mr.S.Pattabiraman,
Government Advocate (R1)

Mr.M.Vijayan
for M/s.King and Patridge (R2)

Mr.R.Karthikeyan (R3 to R8)

O R D E R

The petitioner would state among other things that the firm viz., M/s.Karthikeyan Auto Service, situated at Arni, Thiruvannamalai District, is operating a retail outlet of petrol/diesel/motor oil and other such products in the premises bearing door No.266, Gandhi Road, Arni, Thiruvannamalai District, as a licensee of the second respondent, who claims to be a lessee of the land in question owned by the respondents 3 to 8. It is the case of the private respondents that though the lease had expired long back, they did not vacate and also pay the rent on time and therefore, approached the first respondent for cancellation of No Objection granted to the petitioner to run the retail outlet and the first respondent vide impugned proceedings dated 29.04.2016, has cancelled the No Objection Certificate and challenging the legality of the order, the firm, which is running the petrol bunk, had filed this writ petition.

2. Heard the submissions of Mr.Niranjan Rajagopalan, the learned counsel appearing for the petitioner and Mr.S.Pattabiraman, learned Government Advocate, who accepts notice on behalf of the first respondent, Mr.M.Vijayan, for M/s.King and Patridge, learned counsel, who accepts notice on behalf of the second respondent and Mr.R.Karthikeyan, learned counsel who accepts notice on behalf of the respondents 3 to 8.

3. The learned counsel appearing for the petitioner, on instructions, as well as the learned counsel appearing for the second respondent would submit that the second respondent challenging the legality of the order dated 29.04.2016 passed by the first respondent, has preferred an appeal on the file of the Transport Commissioner, Ezhilagam, Chennai -5 and the disposal of the appeal may be expedited with the liberty to move the appellate authority for grant of an interim order also, pending disposal of the appeal.

4. This Court heard the submissions of learned counsel appearing for the private respondents also.

5. Though the petitioner prayed for larger relief, this Court in the light of the submission made by the learned counsel appearing for the petitioner and the second respondent, directs the Transport Commissioner, Ezhilagam, Chennai-600 005 to entertain the appeal filed by the second respondent, if the papers are otherwise in order and also entertain the application for stay and after putting the private respondents on notice, shall dispose of the appeal and even prior to such disposal consider the application for stay in accordance with law and pass orders as expeditiously as possible and in the main appeal, pass orders not later than eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the private respondents.

The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The District collector,
Thiruvannamalai,
Thiruvannamalai District.

2.The Chief Regional Manager,
Hindustan Petroleum Corporation Ltd.,
Chennai Retail Regional Office,
8, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

3.The Transport Commissioner,
Ezhilagam, Chennai-5.

+1cc to the Government Pleader, S.R.No.36315
+1cc to Mr.King & Patridge, Advocate, S.R.No.36121
+1cc to Mr.G.R.Association, Advocate, S.R.No.36363

Writ Petition No.18160 of 2016

nr[co]
srg 18/07/2016