

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.12.2017
CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
And
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.Nos.1043 to 1045 of 2015

The Senior Regional Manager,
Hindustan Petroleum Corporation Ltd.,
Coimbatore Regional Office,
18/3, Big Bazaar Street,
Coimbatore - 641 001. ... Appellant in all the Writ
Appeals

Vs.

P.Vijay Ganesh ... Respondent in W.A.No.1043/2015
G.Ravichandran ... Respondent in W.A.No.1044/2015
M.Ravichandran ... Respondent in W.A.No.1045/2015

Common Prayer:

Writ appeals filed under Clause XV of the Letter Patent
praying to set aside the order dated 19.02.2015 made in
W.P.Nos.23732, 23733 and 23734 of 2014 respectively.

Prayer Wp 23732,23733,23734/2014:

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 quash the same.

For Appellant : Mr.M.Vijayan
for M/s.King & Partridge
For Respondents : Mr.S.Doraisamy

C O M M O N J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN,J.)

The respondent in the respective intra court appeals
challenged the proceedings dated 20.08.2014, on the file of the
Hindustan Petroleum Corporation Limited terminating their
agreement for Maintenance and Handling of COCO Petroleum Outlet
in various places in the District of Tiruppur. The proceedings
were challenged before the writ Court in W.P.Nos.23732, 23733

and 23734 of 2014. The learned Single Judge by following the earlier orders passed by the Division Bench 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 allowed the writ petitions. Feeling aggrieved, Hindustan Petroleum Corporation Limited has come up with these appeals.

2.When the appeals came up for hearing on earlier occasions, we have posed a query to the learned Standing Counsel for the appellant as to whether there is any chance of appointing the dealer at present. We have also directed the learned Standing Counsel for the appellant to take instructions as to whether it would be possible to permit the respondent to carry on as COCO dealer till appointment is made by the Corporation.

3.When the appeals were taken up for hearing again, the learned Standing Counsel for the appellant produced the affidavit signed by the Chief Regional Manager, Hindustan Petroleum Corporation Limited, Coimbatore, indicating that the respondent in the respective writ petitions would be permitted to function as COCO dealer till appointment is made by the Corporation. In view of the said affidavit, the respondent in the respective appeals filed an undertaking affidavit that they will vacate and hand over vacant possession of the outlet in question to the appellant on appointment of a regular dealer. The affidavits filed by the appellant and the respondent in the respective appeals are taken on record.

4.In view of the undertaking given by the appellant, the respondent in the respective appeals would be permitted to function as COCO dealer till the Corporation appoints dealers for running the outlet. The respondent in the respective appeals shall hand over vacant possession of the outlet in question to the appellant within two weeks from the date of receipt of intimation given by the Corporation with regard to the appointment of dealers.

5.The writ appeals are disposed of as indicated above. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant 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.

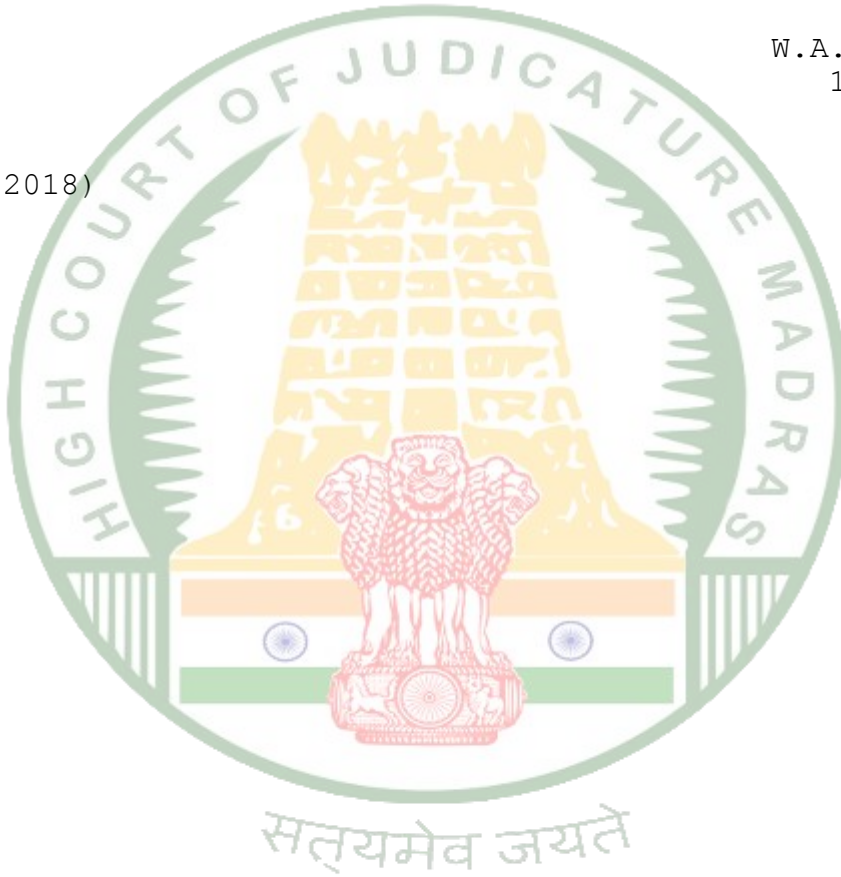
+ 3ccs to King & Partridge Advocate Sr.no.86636

+ 3ccs to Mr.Doraisamy Advocate Sr.no.86636

W.A.Nos.1043 to
1045 of 2015

AD(CO)

RRK(05/01/2018)



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