

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2017

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.451 of 2017 and

WMP.Nos.478 and 479 of 2017

S.Vijayakumar

... Petitioner

Vs.

1. Bharat Petroleum Corporation Ltd.

Rep. by its Territory Manager (Retail),
No.35, Vaidhyanathan Street,
Tondiarpet, Chennai-81.

2. Senior Manager I/C (Vigilance) South,

Bharat Petroleum Corporation Ltd.
No.1, Ranganathan Garden,
Anna Nagar, Chennai-40.

3. Rajasekar

.... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to India for the issuance of a Writ of Certiorarified Mandamus to call for the observation of the inspection carried out at 'V.M.Shami Agency', Gummidipoondi, Thiruvallur District on 27.12.2016 of the 2nd respondent and quash the same in so far as it relates to the sealing of the nozzles and consequently, permit the petitioner to run the retail outlet business.

For Petitioner

: Mr.Venkatachalapathy,
for Mr.M.Sriram
Senior Counsel

For respondents 1 & 2

: Mr.Vijayan for
M/s.King & Partridge

O R D E R

The Writ Petition is filed for the issuance of a Writ of Certiorarified Mandamus to call for the observation of the inspection carried out at 'V.M.Shami Agency', Gummidipoondi, Thiruvallur District, on 27.12.2016 of the 2nd respondent and quash the same in so far as it relates to the sealing of the nozzles and consequently, permit the petitioner to run the retail outlet business.

2. Though so many contentions have been raised in the writ petitioner, after elaborate arguments, the learned Senior Counsel appearing for the petitioner would submit that when the petitioner has been served with a show cause notice, he is at liberty to file a reply to the show cause notice and after giving an opportunity to the petitioner, the authority concerned shall pass appropriate orders within a period prescribed by this Court.

3. The learned Senior Counsel would further submit that though a defect has been pointed out in respect of the Tank No.III, all the 3 tanks were sealed without even a notice. Therefore, their business is affected. Hence, he would pray to open the two tanks in respect of which there was no violation and malpractices pending enquiry proceedings.

4. Heard the learned Counsel appearing for the respondents.

5. Considering the facts and circumstances and also considering the submissions made by the learned Senior Counsel for the petitioner, since a show cause notice was already issued, the petitioner is at liberty to file a reply and on receipt of the same, after giving an opportunity of hearing to the petitioner, the 2nd respondent shall pass orders on the same within a period of 15 days from the date of receipt of the reply notice. Further, it is suffice to state that there will not be any fresh supply during the interregnum period. But, the petroleum and diesel which is now available in the two tanks against which no malpractices have been found as it will get evaporated without any use. Therefore, the petitioner is permitted to sell the petroleum or diesel in the said two tanks alone.

6. With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

tsi

To

1. Territory Manager (Retail),
Bharat Petroleum Corporation Ltd.,
No. 35, Vaidhyanathan Street,
Tondiarpet, Chennai-81.

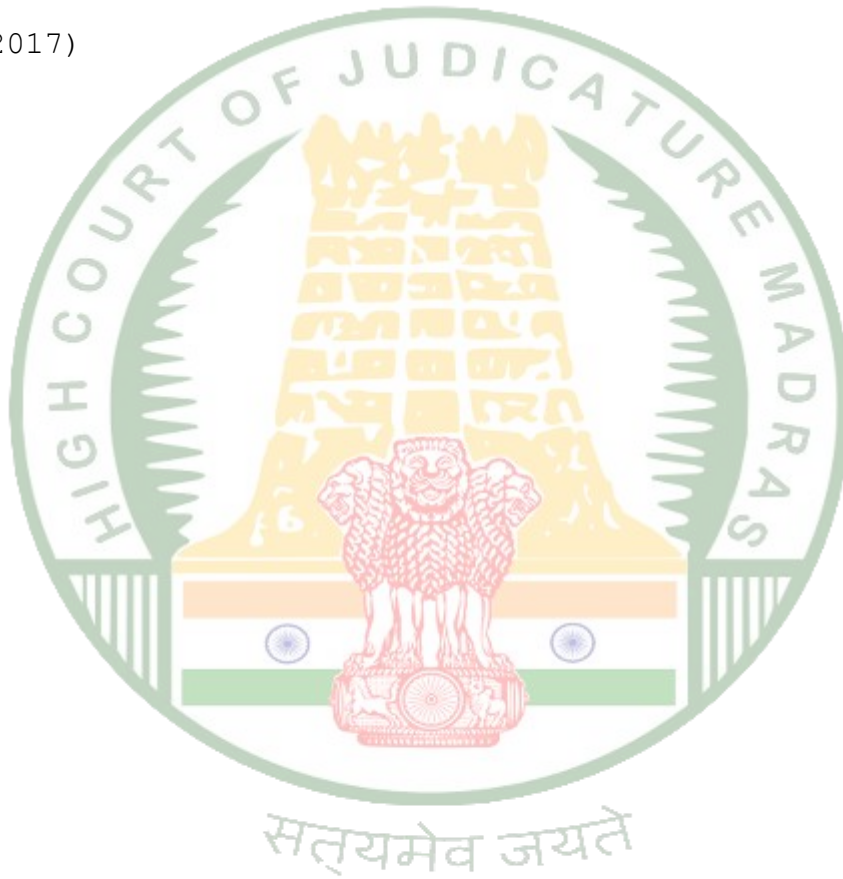
2. Senior Manager I/C (Vigilance) South,
Bharat Petroleum Corporation Ltd.
No.1, Ranganathan Garden,
Anna Nagar, Chennai-40.

+1cc to Mr.M.Sriram, Advocate sr.3213

+1cc to M/s.King & Partridge, Advocate sr.2882

W.P.No.451 of 2017

pa(co)
ss(24/01/2017)



WEB COPY