

8IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2017

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The Honourable MR. JUSTICE M.DURAISWAMY

W.P.Nos.14657 and 11769 of 2017
and W.M.P.No.15905/17 in W.P.No.14657 and
W.M.P.Nos.12744 and 15035 of 2017 in W.P.11769/17

Hindustan Petroleum Corporation Ltd. ,
Madura rep.by its Senior Regional Manager
Plot No.7 3rd Floor, Rakesh Towers
Bye Pass Road Madurai.

[Petitioner in W.P.No.14657/17/
6th respondent in W.P.No.11769/17]

M/s.Sri Renuga Agencies
Partnership Firm Rep. by its Partner
D.Mahesh
S/o.Late. Devadoss
D.No. 620 Near Theni Police Station
Periyakulam Road
Theni 625 531

[Petitioner in W.P.No.11769/17]/
[7th respondent in W.P.No.14657/17]

Vs

1. The Transport Commissioner
Chepauk Chennai - 600 005.
2. The Chief Controller
Department of Explosives No.140 Rukmani
Lakshmipathy Salai Egmore Chennai- 600 008.
3. The Joint chief Controlloer
of Explosives South Circle Chennai
Department of Explosive No.140 Rukmani
Lakshmipathy salai Egmore
Chennai - 600 008.
4. The District Collector
Theni District Theni.
5. The District Revenue officer
Theni District.

[Respondents 1 to 5 in both Wps]

6 N.A.K.Gopalakrishna Raja
S/o.N.A.Konduraja No.81 Edamai Street
Theni - 625 531.

[6th respondent in W.P.No.14657/17/
7th respondent in W.P.No.11769/17]

Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari calling for the records pertaining to the impugned order passed by the 1st respondent in his proceeding R.No.24676 / M5 /2016 dated 06.03.2017 confirming the impugned order of the 5th respondent in Na.Ka.No.C4/ 35611 /2011 dated 07.12.2015 and consequential impugned order of the 3rd respondent in No.P /SC / TN / 14 / 204 (P30519) dated 22.12.2015 and quash the same.

W.P.No.14657/17

For Petitioner : Mr.O.R.Santhanakrishnan
For Respondents : Mr.R.Rajeswaran, SGP (R1,4 &5)
Mr.Su.Srinivasan, ASG (R2&3)

Mr.R.Thiagarajan, SC for
M/s Aiyar & Dolia for R6

Mr.AR.L.Sunderasan, SC for
Ms.Ramadevi (R7)

W.P.No.11769/17

For Petitioner : Mr.AR.L.Sunderasan, SC for
Ms.Ramadevi

For Respondents : Mr.R.Rajeswaran, SGP (R1,4 &5)
Mr.Su.Srinivasan, ASG (R2&3)
Mr.O.R.Santhanakrishnan (R6)

Mr.R.Thiagarajan, SC for
M/s Aiyar & Dolia for R7

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C O M M O N O R D E R

W.P.No.14657 of 2017 has been filed by the Hindustan Petroleum Corporation Limited to issue a writ of certiorari to call for the records of the 1st respondent dated 06.03.2017, confirming the order of the 5th respondent in his proceedings dated 07.12.2015 and the consequential impugned order of the 3rd respondent dated 22.12.2015 and to quash the same.

2. Challenging the very same orders, the dealer viz., M/s Sri Renuga Agencies filed the writ petition in W.P.No.11769 of 2017.

3. Mr.O.R.Santhanakrishnan, learned counsel appearing for the petitioner in W.P.No.14657 of 2017 and Mr.AR.L.Sunderasan, learned Senior Counsel appearing for the petitioner in W.P.No.11769 of 2017 submitted that the order passed by the 1st respondent dated 06.03.2017 is liable to be set aside solely on the ground that the 1st respondent has not given any finding while confirming the order passed by the 5th respondent dated 07.12.2015.

4. On a perusal of the impugned order, it is clear that the 1st respondent, without giving any findings, has dismissed the petition.

5. Mr.R.Thiagarajan, learned Senior Counsel appearing for the 6th respondent in W.P.No.14657 of 2017 and the 7th respondent in W.P.No.11769 of 2017 submitted that the 1st respondent has passed the impugned order without giving any valid reasons and therefore, the impugned order dated 06.03.2017 may be set aside and the matter may be remitted back to the 1st respondent for fresh consideration.

6. Mr.R.Rajeswaran, learned Special Government Pleader, appearing for the respondents 1, 4 and 5 submitted that the matter may be remitted back to the 1st respondent for fresh consideration.

7. In view of the submissions made by the learned counsel on either side, I set aside the order dated 06.03.2017 passed by the 1st respondent and remit the matter back to the 1st respondent for fresh consideration. The 1st respondent is directed to issue notice to all the interested parties and decide the matter afresh, within a period of six weeks from the date of receipt of a copy of this order.

With these observations, the writ petitions are allowed. No costs. Connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

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To

1. The Transport Commissioner
Chepauk Chennai - 600 005.
 2. The Chief Controller
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Lakshmipathy Salai Egmore Chennai- 600 008.
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Chennai - 600 008.
 4. The District Collector
Theni District Theni.
 5. The District Revenue officer
Theni District.
- +1 CC to Govt. Pleader sr 50637
+1 CC to Mrs.P.T. Ramadevi, Advocate sr 50027
+1 CC to Mr.O.R. Santhanakrishnan, Advocate sr 50010
+1 CC to Mr.Su.Srinivasan, Advocate sr 49868
+1 CC to Ms. Aiyar & Dolia, Advocate sr 49869
- W.P.Nos.14657 and 11769 of 2017
- SP(20/07/2017)

सत्यमेव जयते

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