

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.12.2017

CORAM

THE HONOURABLE Mr. JUSTICE **V.PARTHIBAN**

Review Application No.204 of 2012
and
M.P.No.1 of 2012

P.Lalitha

... Petitioner

Vs.

1.Indian Oil Corporation Ltd.
Rep. By the Executive Director (LPG)
Indian Oil Bhawan,
G-9, All Yavar Jung Marg, Bandra (East),
Mumbai – 400 051.

2.The Chief Area Manager,
Indian Oil Corporation Ltd.,
Marketing Division,
Indane Area Office,
500, Anna Salai, Teynampet,
Chennai – 600 018.

3.The General Manager (LPG),
Indian Oil Corporation Ltd.,
Tamil Nadu State Office,
139, Nungambakkam High Road,
Chennai – 600 034.

4.P.Sivakumar

... Respondents

Prayer: Petition filed under Order 47 Rule 1 read with 114 of the Civil Procedure Code praying to review the order dated 30.10.2012 made in W.P.No.20382 of 2011, by setting aside the same.

For Petitioner : Mr.M.Ramamoorthy

For RR 1 to 3 : Mr.K.Thilagaraj

For RR 4 : Mr.K.Raja Srinivas

ORDER

The present Review Application has been filed against the order passed by the learned Single Judge of this Court on 30.10.2012 in W.P.No.20382 of 2011.

2.The learned Single Judge, after considering the rival submissions of the parties, had dismissed the writ petition as being devoid of merits and substance. The learned Judge had also relied on the decision of this Court reported in **2005 Writ L.R. 15 [M/s.Nataraja Agencies rep. by its Proprietor G.Natarajan, Dealer, Indian Oil Corporation Ltd., Pondicherry V. The Secretary, Ministry of Petroleum and Natural Gas, New Delhi]**. The said Judgment was held by the Division Bench of this Court wherein a similar plea was considered and negated.

3.The learned counsel appearing for the review petitioner would submit that certain point in his favour was not brought to the knowledge of the Writ Court and therefore, the writ petition was negated by the learned Single Judge.

4.The learned counsel for the petitioner would also draw the attention of this Court to the Instruction issued to the 3rd respondent by the 1st respondent as under:

"There appears to be some lack of clarity on the Area of Operation of RGGLVs and the geographic range in which they can enroll potential customers. As per the Operating Manual, the area of operation should cover the Cluster of Villages that was considered for feasibility of the location."

According to the learned counsel for the petitioner, if only this instruction had been brought to the knowledge of the Writ Court, the Court would have been passed a different order.

5.This Court is unable to understand as to the basis of such argument, since the learned Single Judge of this Court has passed a considered order, after adjudicating all the issues placed before him.

6.The failure on the part of the learned counsel to cite some instructions cannot give them a right to file any review application. The review application can be entertained only when the similar cause of action arises within the ambit of Order 47 Rule 1 of the Civil Procedure Code. The grounds raised in the present review application would not come within the ambit of Order 47 Rule 1 C.P.C. and therefore, there is no merit in the Review Application and therefore, the same is rejected.

7. With the above observation, ***the Review Application is dismissed.*** Consequently, connected miscellaneous petition is closed.

12.12.2017

Speaking /Non Speaking Order

Index : Yes/No

Internet : Yes/No

Sgl

To

1. The State of Tamil Nadu
Rep. By the Secretary to Government
Agriculture Department
Fort St. George, Chennai – 600 009.

2. The Commissioner of Agriculture
Chepauk, Chennai – 600 005.

3. The Joint Director of Agriculture,
Villupuram.

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V.PARTHIBAN, J.

Sgl



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