

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2017

CORAM

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.33700 of 2002

M.S.R.Agency by its Sole
Proprietress Ms.Chitra,
136/137, Kunrathur Road,
Porur, Chennai - 600 116. ...Petitioner

Vs.

1. Bharat Petroleum Corporation Ltd.,
Bharat Bhavan,
Ballard Estate, Bombay - 400 038.
2. Bharat Petroleum Corporation Ltd.,
1.Renganathan Gardens,
Off 11th Main Road,
Annanagar, Chennai - 600 040. ...Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents from cancelling the Licence granted in No.CC641744/SAP No.119050 to MSR Agency, Porur, within the Chennai LPG Territory and consequently allow the petitioner to continue her business as agreed.

For Petitioner : Mr.T.Kalaimani

O R D E R

The prayer sought for in this writ petition is Writ of Mandamus forbearing the respondents from cancelling the Licence granted in No.CC641744/SAP No.119050 to MSR Agency, Porur, within the Chennai LPG Territory and consequently allow the petitioner to continue her business as agreed.

2. When the writ petition was taken up for hearing yesterday, i.e, 04.12.2017, Mr.T.Kalaimani, the learned counsel for the petitioner submits that he has already given change of vakalath long back to the petitioner.

3. In view of the said submission, the following order was passed on 04.12.2017:-

" Learned counsel appearing for the petitioner submits that he has already given change of vakalath long back. It seems that subsequently, the petitioner has not engaged any counsel as none is appearing before this Court, when the case is called today.

Though notice has been served on the respondents-Bharath Petroleum Corporation Limited, no one has appeared for the respondents also. Hence, post the matter on 05.12.2017. In the meanwhile, Registry may ascertain whether any counsel entered appearance for the petitioner, if so print his/her name in the cause list"

4. Today, when the case was taken up for hearing, Mr.T.Kalaimani, learned counsel for the petitioner submits that in spite of the best efforts, he was not able to bring the counsel appearing for the respondents-Bharath Petroleum Limited. He would further submit that since the change of valakath has already been given, no further instruction has been received from the petitioner and he could not even contact her.

5. I have considered the said submission made by the learned counsel and perused the records.

6. Since the prayer sought for in the writ petition is only a writ of mandamus forbearing the respondent from cancelling the licence granted to the petitioner by the respondents Corporation, the learned counsel submits that there was no interim order passed in this writ petition. Since the prayer is for a writ of mandamus seeking some prohibitory order, which was sought by the writ petitioner in the year 2002, and though in all these years the writ petition has been pending before this Court, it cannot be presumed that the same position would be continued as prevailed in the year 2002, when the petitioner had approached this Court by filing this petition. More over, since the learned counsel for the petitioner established that he has already given change of vakalath to the petitioner long back and the petitioner has also not come forward through any other counsel to lead her case, the Court cannot wait endlessly for the petitioner, who is with the attitude of non-prosecution of her case for several years.

7. In view of the above mentioned situation, this Court is inclined to pass the following orders:- The writ petition is dismissed for non-prosecution. However, if the petitioner is really aggrieved and still her grievances persisting, it is open to the petitioner to approach this Court

with appropriate petition with acceptable reasons, and in that case this Court will take a lenient view.

8. With these observations, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

rts

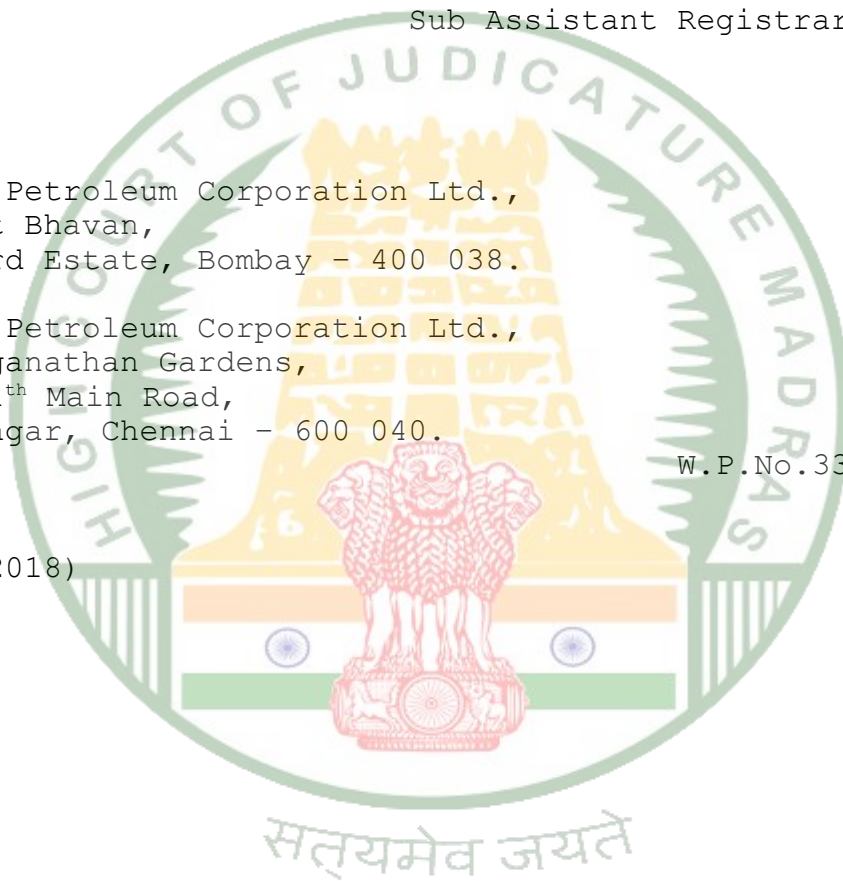
To

1. Bharat Petroleum Corporation Ltd.,
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SVS (CO)
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