

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2018

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.20762 of 2018
and W.M.P.Nos.24400 to 24402 of 2018

M/s. C. Lakshmi Narsimham & son,
Bharath Petroleum Dealer,
Rep. By its Managing Partner R. Sathyapriya,
No. 107, Arani Road,
Sankaranpalayam, Vellore-1. Petitioner

Vs.

1. The Territory Manager(Retail),
Chennai Territory Office,
Bharath Petroleum Corporation Limited,
No.35, Vaidyanathan Street, Tondaiyarpeth,
Chennai -81.
2. The District Collector,
Vellore District, Vellore.
3. The District Revenue Officer,
Vellore District, Vellore.
4. V.S.Kumaran Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records of the 3rd respondent pertaining to proceedings No.Na.Ka.C2/9154/2015 dated 02.07.2018 and quash the same as illegal, arbitrary and non est in law and consequently forbear the 3rd respondent from cancelling the no objection certificate (NOC) granted under Rule 144(1) of Petroleum Rules 2002.

For Petitioner : Mrs.Chitra Sampath, Senior Counsel
for Mr.B.Vijay

For Respondents: Mrs.P.Rajalakshmi
Additional Government Pleader (R2 & R3)
Mr.M.Vijayan,
M/s.King and Partridge (R1)

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of Certiorarified Mandamus to call for the records of the 3rd respondent pertaining to proceedings dated 02.07.2018

and quash the same and consequently, forbear the 3rd respondent from cancelling the No Objection Certificate (NOC) granted under Rule 144(1) of Petroleum Rules 2002.

2.Mrs.Chitra Sampth, learned senior counsel for the petitioner submitted that though the petitioner has filed the Writ Petition to issue a writ of certiorarified mandamus challenging the show cause notice dated 02.07.2018, it would be suffice to grant leave to the petitioner to submit the written submission before the 3rd respondent within a time frame.

3.Mr.M.Vijayan, learned counsel taking notice for the 1st respondent also submitted that the 1st respondent may also be given opportunity to file written submission before the 3rd respondent.

4.Mrs.P.Rajalakshmi, learned Additional Government Pleader taking notice for the respondents 2 & 3 submitted that the petitioner and the 1st respondent may be permitted to submit their written submission before the 3rd respondent and the 3rd respondent may be directed to decide the matter after giving notice to 4th respondent in accordance with law.

5.Having regard to the submissions made by the learned counsel on either side, I permit the petitioner and the 1st respondent to submit their written submissions before the 3rd respondent within a period of two weeks from the date of receipt of copy of this order and the 3rd respondent is directed to decide the matter, after giving notice to the 4th respondent and after giving due opportunity of personal hearing to the petitioner, the 1st respondent and the 4th respondent and pass orders, on merits and in accordance with law, as expeditiously as possible.

6.Till the order is passed by the 3rd respondent, the 3rd respondent shall not precipitate the matter.

7.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

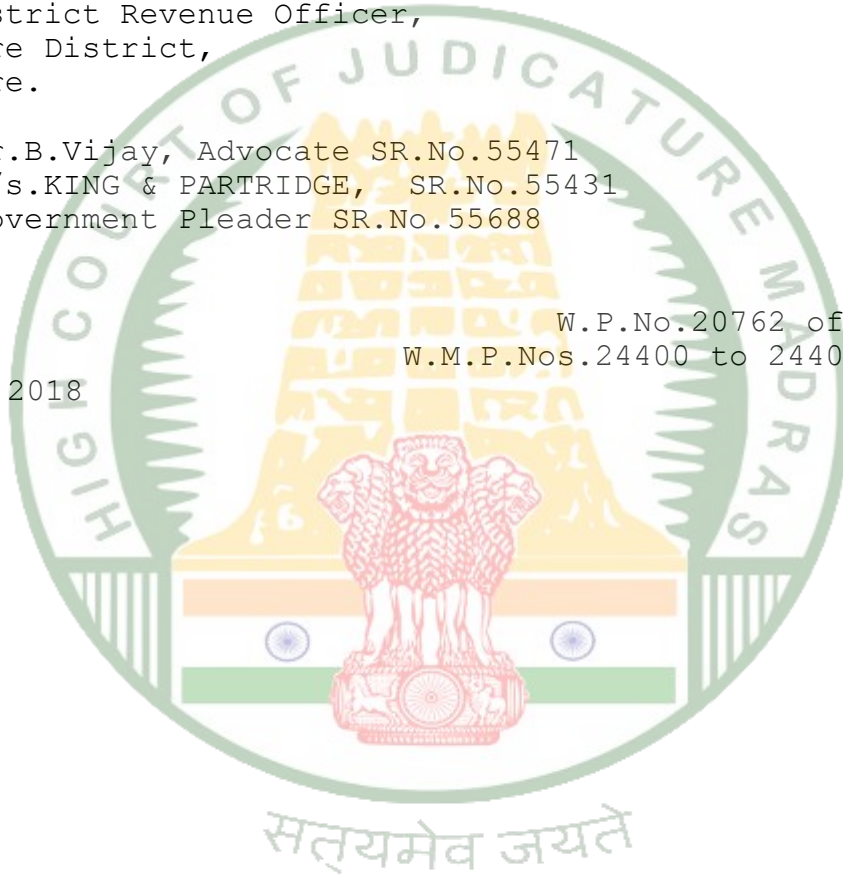
To

1. The Territory Manager(Retail),
Chennai Territory Office,
Bharath Petroleum Corporation Limited,
No.35, Vaidyanathan Street, Tondaiyarpur,
Chennai - 81
2. The District Collector,
Vellore District,
Vellore.
3. The District Revenue Officer,
Vellore District,
Vellore.

+1cc to Mr.B.Vijay, Advocate SR.No.55471
+1cc to M/s.KING & PARTRIDGE, SR.No.55431
+1cc to Government Pleader SR.No.55688

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SMI/23.08.2018



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