

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2018

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.4496 of 2011
and M.P.No.2 of 2011

K.Kanniga Parameswari

... Petitioner

Vs.

1. The Secretary
Ministry of Petroleum Oil and Natural Gas,
Government of India,
New Delhi.
 2. The Chairman,
Hindustan Petroleum Corporation Ltd.,
Petroleum House,
No.17, J.Tata Road,
Mumbai.
 3. The General Manager (South Zone),
Hindustan Petroleum Corporation Ltd.,
4th Floor, Thalamuthu Natarajan Building,
No.8, Gandhi Irwin Road,
Egmore, Chennai 600 008.
 4. The Senior Regional Manager,
Madurai Region,
Hindustan Petroleum Corporation Ltd.,
3rd Floor, Rakesh Tower, Bypass road,
Madurai 625 008.
- ... Respondents

Prayer : The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records of the third respondent, dated 22.12.2010, notification published in Dinakaran, Tamil daily, dated 22.12.2010 for the appointment of service provider to the petroleum retail outlet at Andipatti, Theni District, quash the same and consequently, direct the respondents to appoint the petitioner as dealer of the Corporation under the land owners category with respect to the petroleum products retail outlet situated at Andipatti.

For Petitioner : Mr.A.R.Sundaresan,
Sr.Counsel for
Mrs.A.L.Gandhimathi

For Respondents : Mr.O.R.Santhanakrishnan

O R D E R

It is brought to the notice of this Court that the dispute raised in the present writ petition has already been decided by the Hon'ble Supreme Court in the decision reported in (2014)1 SCC 201 [MOHD. JAMAL VS. UNION OF INDIA AND ANOTHER], wherein the Hon'ble Supreme Court held that the arrangement made was for temporary period and the same could not give any right to claim continuance of the retail outlet permanently and dismissed the Civil Appeals.

2. The Hon'ble Supreme Court negatived the plea of promissory estoppel and legitimate expectation and upheld the change of policy (deregulation) made by the Oil Companies in supersession of old policy. In paragraph 61, the Hon'ble Supreme Court held thus:

"61. We are inclined to hold that the doctrine of promissory estoppel and legitimate expectation, as canvassed on behalf of the appellants and the petitioners, cannot be made applicable to these cases where the leases have been granted by the landowners on definite terms and conditions, without any indication that the same were being entered into on a mutual understanding between the parties that these would be temporary arrangements, till the earlier policy was resorted and the claim of the landowners for grant of dealership could be considered afresh. On the other hand, although, the nominees of the lessors were almost in all cases appointed as the M&H contractors, that in itself cannot, in our view, convert any claim of the landowner for grant of a permanent dealership. As has been indicated hereinbefore, even the M&H contractor had to submit an affidavit to the effect that he did not have and would not have any claim to the dealership of the retail outlet and that he would not also obstruct the making over possession of the retail outlet to the Oil Company, as and when called upon to do so....."

3. The aforesaid decision of the Hon'ble Supreme Court squarely applies to the facts of the present case. Thus, the writ petition fails and the same is dismissed accordingly. No Costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary
Ministry of Petroleum Oil and Natural Gas,
Government of India, New Delhi.
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3rd Floor, Rakesh Tower, Bypass road, Madurai 625 008.

+1 cc to M/s.AL.Gandhimathi, Advocate, S.R.No.85250

+1 cc to Mr.O.R.Santhanakrishnan, Advocate, S.R.No.85298

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SSM(09/01/2019)