

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.29852 of 2011 &
M.P.No.1 of 2011

M/s.Arasu Filling Station,
Dealer - Indian Oil Corporation Limited (R.O.),
Rep. by its Proprietor,
K.Ezhilarasan, S/o.M.Kaliyaperumal,
27/1, Chennai - Trichy Main Road,
Eraiur P.O. - 621 133.
Perambalur District. ... Petitioner

Vs.

1. The Secretary to Government of India,
Ministry of Petroleum and Natural Gas,
Shastri Bhavan,
New Delhi 110 001.
2. The Chairman,
Indian Oil Corporation Limited,
Indian Oil Bhavan,
G-9 Ali Yuvar Jung Marg,
Bandhra (West), Mumbai.
3. The Chairman,
Hindustan Petroleum Corporation Limited,
17, Jamshedji Tata Road,
Mumbai - 400 020.
4. The Chairman,
Bharat Petroleum Corporation Limited,
4, 6 Currimbhoy Road, Ballard Estate,
Mumbai - 400 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the 2nd, 3rd and 4th respondents herein not to permit to open any new retail outlets near to the petitioner's existing outlet situated at 27/1 Chennai-Trichy Main Road, Eraiur P.O. - 621133, Perambalur District allotted by M/s.Indian Oil Corporation Limited, the second respondent herein under SC category.

For Petitioner : Mr.G.Sudhakar
For Respondents : Mr.J.Madanagopal Rao
Central Government
Standing Counsel for R1

Mr.V.Anantha Natarajan
Standing Counsel for R2

Mr.O.R.Santhana Krishnan
Standing Counsel for R3 & R4

O R D E R

Heard Mr.C.Sudhakar, learned counsel for the petitioner; Mr.J.Madanagopal Rao, learned Central Government Standing Counsel for the first respondent; Mr.V.Anantha Natarajan, learned Standing Counsel for the second respondent; Mr.O.R.Santhana Krishnan, learned Standing Counsel for the respondents 3 and 4 and perused the materials available on record.

2. The petitioner has come forward with this Writ Petition for issuance of Writ of Mandamus, directing the respondents 2 to 4, not to permit and open any new retail outlets near to the petitioner's existing outlet situated at No.27/1, Chennai-Tiruchy Main Road, Eraiyur in Perambalur District.

3. The Proprietor of the petitioner would state that he belongs to Scheduled Caste Community and the second respondent allotted a retail outlet to the petitioner in the year 2004 under the Scheduled Caste Category and the petitioner has started sales in the year 2007. It is further stated that the respondents 2 to 4 have called for applications to establish retail outlets under General Category within a distance of half a kilo meter, 1 km and 3 kms of the petitioner's existing outlet respectively and if new outlets are opened, the petitioner would sustain loss and the object of allotting outlet to the SC / ST people would be defeated.

4. In the counter filed by the third respondent, it is stated that the third respondent called for applications for appointment of retail outlet dealership on Trichy-Chennai Main Road near Eraiyur during September 2011, but no response was received pursuant to the advertisement. The fourth respondent has filed a counter stating that the fourth respondent has commissioned the retail outlet about 9 kms from the petitioner's retail outlet on the opposite side and the petitioner has no locus standi to maintain the Writ Petition.

5. The learned Standing Counsel for the respondents 3 and 4 by referring the counter submitted that there is no proposal to open an outlet very near to the outlet of the petitioner.

6. In the light of the stand taken by the respondents 3 and 4 in the counter and the submissions of the learned Standing Counsel, I do not find any merit in this Writ Petition. Accordingly, the Writ Petition fails and the same is dismissed. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

r n s

To

1. The Secretary to Government of India,
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New Delhi 110 001.
2. The Chairman,
Indian Oil Corporation Limited,
Indian Oil Bhavan,
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4. The Chairman,
Bharat Petroleum Corporation Limited,
4, 6 Currimbhoy Road, Ballard Estate,
Mumbai - 400 001.

+1cc to Mr.V.Anantha Natarajan , Advocate SR.No.60207

+1cc to Mr.O.R.Santhana Krishnan , Advocate SR.No.60051

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RSI (CO)

RMP (20/09/2018)