

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.17027 of 2018

C.Vigneswaran

...Petitioner

-vs-

1. The Secretary to Government of India
Ministry of Petroleum and Natural Gas
Shastri Bhavan
New Delhi 110 001
2. The Chairman cum Managing Director
Hindustan Petroleum Corporation Limited
17, Jamshedji Tata Road
Mumbai 400 020
3. The Regional Manager
Coimbatore Regional Office
HPCL House
18/3, Big Bazaar Street
Coimbatore 641 001
4. M/s Suguna Rajagopal Agencies
represented by its Proprietor
Mr.R.Sudharshan
HPCL Retail Outlet Dealer
No.1205, Trichy Road
Coimbatore, Coimbatore District

...Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 18.01.2018 and to cancel the allotment of the fourth respondent within the time frame that may be fixed by this Hon'ble Court.

For Petitioner :: Mr.S.Arokia Maniraj

For Respondents :: Mr.M.Vijayan

for M/s King & Partridge for R2&3

ORDER

The petitioner claims to be the candidate belonging to Scheduled Caste community and has applied to obtain the retail outlet dealership to the Hindustan Petroleum Corporation Limited under the SC/ST quota. But he was unable to succeed to get the same. As per clause 28(b) of the terms and conditions of the Dealership Agreement, for SC/ST candidate, the dealer, whether an individual or a partnership firm, shall not take up any other employment or engage in any other business and/or profession apart from the operation of the Dealership. Since the fourth respondent is a practising Advocate and his enrolment is not withdrawn till date by the Bar Council of Tamil Nadu, he has fraudulently obtained the HPCL company retail outlet as well as the company owned company operated retail outlet by suppressing his status and has also fraudulently misrepresented that he is not engaged in any profession, business or employment. After finding out that he is a practising Advocate and he has not even withdrawn his enrolment, the petitioner has made a representation on 18.1.2018 to the respondents 1 to 3 requesting them to take appropriate action against the fourth respondent. After receipt of the representation, he was issued with a communication from the third respondent stating that the objection is under the process of investigation. But till date, no action is taken by the respondents. Therefore, a direction be issued, it was pleaded.

2. The learned counsel appearing for the second and third respondents submitted that the first respondent is not a necessary party for the time being. Therefore, after issuing notice to both the petitioner and the fourth respondent giving them reasonable time to appear with all the requisite documents, proper enquiry will be held and based on the report, suitable action will be taken by the third respondent.

3. Placing on record the submission made by the learned counsel for the second and third respondents, this Court hereby directs the third respondent to hold a proper enquiry after issuing notice to both the petitioner and the fourth respondent and if it is found that the fourth respondent has misrepresented his practice as an Advocate without withdrawing his enrolment, the third respondent shall take suitable action and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Chairman cum Managing Director
Hindustan Petroleum Corporation Limited
17, Jamshedji Tata Road
Mumbai 400 020
2. The Regional Manager
Coimbatore Regional Office
HPCL House
18/3, Big Bazaar Street
Coimbatore 641 001

+1cc to Mr.King And Partridge, Advocate, S.R.No.44362
+1cc to Mr.S.Arockia Maniraj, Advocate, S.R.No.44335.

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CNR(CO)
BM 25/07/2018



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