

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.18942 of 2018

N.Annadurai

... Petitioner

-vs-

1. The Secretary to Government of India
Ministry of Petroleum and Natural Gas
Shastri Bhavan
New Delhi 110 001

2. The Chairman
Petroleum and Natural Gas
Regulatory Board
Statutory Body established under
the Central Act
Petroleum and Natural Gas
Regulatory Board Act
World Trade Centre
Baber Road
New Delhi 110 001

3. The Managing Director
ESSAR Oil Limited/Nayara Energy
Corporate Office, 4th Floor
Tower-II, Equinox Business Park
(Peninsula Techno Park)
Off Bandara Kurla complex
LBS Marg, Mumbai 400 070
Maharashtra State

4. The Director
ESSAR Oil Limited/Nayara Energy
Registered Office at Khambhalia
Post Box No.24, Devbhumi
Dwarka District
Gujarat 361 305

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5. The Zonal Manager
ESSAR Oil Limited/Nayara Energy
Marketing Divisional Office
South Zone Office
5th Floor, Chennai House
7 Esplanade
Chennai-108

6. M.Vasuki

7. Balamurugan
S/o N.Mahalingam

8. Balaguru
S/o N.Mahalingam

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second respondent to take appropriate action in the manner of which transacting the establishment of petroleum retail outlet in S.No.43/2B of an extent of 1.87.50 Hectares, situated at Anaikudam Revenue Village, Udayarpalayam Taluk, Ariyalur District, State of Tamil Nadu, based on the false statement made by the respondents 6 to 8 by considering the representation of the petitioner dated 18.07.2018 within a stipulated time as may be fixed by this Hon'ble Court.

For Petitioner :: Mr.A.Saravanan

For Respondents :: Mr.V.P.Sengottuvel
Central Government
Standing Counsel for R1

ORDER

This writ petition has been filed seeking a mandamus directing the Chairman, Petroleum and Natural Gas Regulatory Board, a statutory body established under the Central Act, Petroleum and Natural Gas Regulatory Board Act, World Trade Centre, New Delhi to take appropriate action against the respondents 6, 7 & 8, on the basis of the representation given by the petitioner dated 18.7.2018.

2. Learned counsel for the petitioner submitted that the property covered in Survey No.43/2B having an extent of 1.87.50 Hectares situated at Survey No.43/2B situated at Anaikudam Revenue Village, Udayarpalayam Taluk, Ariyalur District is an undivided joint family property belonging to the petitioner and

his brother Duraikannu and his father's brother's son Nagarajan and the respondents 6 to 8, namely, Vasuki, Balamurugan and Balaguru. The revenue authorities also issued a joint patta for the said property incorporating all their names. While so, suppressing this fact, as if the respondents 6 to 8 are the joint owners of the property, they applied to the fifth respondent for establishing a retail petroleum outlet in the aforementioned joint family property without getting NOC from the petitioner. Now the permission is going to be granted. Therefore, the petitioner has made a representation on 18.7.2018 to the respondents to consider the same before taking a decision to allot the petroleum outlet distributorship in favour of the respondents 6 to 8.

3. The learned Central Government Standing Counsel for the first respondent submitted that the representation of the petitioner will be looked into.

4. Placing on record his statement, this writ petition is disposed of directing the first respondent to consider the pending representation of the petitioner and pass appropriate orders within a period of three weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. Consequently, W.M.P.No.22329 of 2018 is closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

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7 Esplanade
Chennai 600 108

+1cc to Mr.V.P.Sengottuvel, Advocate Sr.50646

1cc to M/S.A.Saravanan, Advocate Sr.50638

W.P.No.18942 of 2018

gp[co]
srg 10/08/2018

सत्यमेव जयते

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