



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

W.A. [MD] .No.864 of 2018

and

C.M.P. (MD) Nos.5284 and 5285 of 2018

P.Jayabarathy

.. Appellant/Petitioner

Vs.

1. The District Collector,
District Collectorate, Dindigul,
Dindigul District.

2. The Additional District Magistrate cum
District Revenue Officer,
O/o.The District Revenue Officer,
Dindigul,
Dindigul District.

3.Bharath Petroleum Corporation Ltd.,
Represented through its
Territory Manager,
No.37, TPK Road,
Pasumalai, Madurai 625 004.

4.Manimegalai

.. Respondents/ Respondents

PRAYER: Appeal is filed under Clause 15 of the Letter Patent Act, against the order, dated 14.03.2018 made in W.P.(MD)No.17073 of 2017 on the file of this Court.

Prayer in WP(MD). 17073/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari to call for the records pertaining to the impugned Notice in Roc.7205/2017 C4 dated 17.08.2017 on the file of the Respondent No.2 and quash the same as illegal

For Appellant

: Mr.T.Lajapathy Roy

For R-1 & R-2

: Mr.K.Mu.Muthu

Additional Government Pleader

For R-3

: Mr.S.Natesh Raja

Standing Counsel

For R-4

: Mr.H.Lakshmi Shankar

**JUDGEMENT**

[Judgement of the Court was delivered
by **K.RAVICHANDRABAABU, J**]

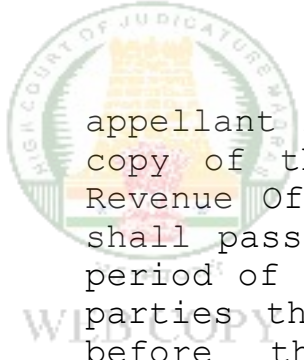
WEB COPY This writ appeal is directed against the order made in W.P. (MD)No.17073 of 2017, dated 14.03.2018. The Writ Court disposed the said writ petition along with other writ petitions and passed a common order. However, the writ appeal is filed only against the order made in W.P.(MD)No.17073 of 2017.

2.Heard Mr.T.Lajapathi Roy, learned counsel appearing for the appellant and the learned counsels appearing for the respondents. We perused the materials placed before us.

3.The appellant as the writ petitioner filed W.P.(MD)No.17073 of 2017 challenging the proceedings of the Additional District Magistrate and District Revenue Officer, Dindigul District, dated 17.08.2017, which is nothing but a communication sent to the Territorial Manager (Retail) of Bharat Petroleum Corporation Limited, Madurai calling upon the said official to inform on what basis Petroleum products are being supplied to their dealer viz., P.Jayabarathy, the appellant herein, since the lease period has already expired and the agreement was not renewed by the lessors thereafter. The writ Court disposed the said writ petition along with other writ petitions by issuing a direction to the Joint Chief Controller of Explosives and District Revenue Officer to consider the application for cancellation of No Objection Certificate as well as the license and pass suitable orders after giving fair opportunity to the parties, within a period of six weeks, also by giving liberty to the parties to appear before the authority and file their respective objections.

4.When such being the order passed in the writ petition and by further considering the fact that the proceedings impugned in W.P. (MD)No.17073 of 2017 is nothing but a communication issued to the Bharat Petroleum Corporation seeking for certain clarification, we do not find that the order passed by the learned single Judge suffers from any infirmity. As the writ Court has directed the concerned authority to pass orders after giving due opportunity of hearing to the parties, we are of the view that all the contentions, which are sought to be raised before this Court, can very well be raised and placed before the concerned authority. When such avenue is available, we do not think that the appellant is well advised to file the present appeal and challenge the order passed by the writ Court.

5.Therefore, we find no merits in this writ appeal and accordingly the same is dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed. However, the



appellant is given seven days time, from the date of receipt of a copy of this order, to make her objection before the District Revenue Officer. On receipt of such objection, the said official shall pass orders on merits and in accordance with law, within a period of three weeks thereafter, since it is admitted by all the parties that, except the appellant, other parties have appeared before the District Revenue Officer and submitted their objections.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
District Collectorate, Dindigul,
Dindigul District.
2. The Additional District Magistrate cum
District Revenue Officer,
O/o.The District Revenue Officer,
Dindigul,
Dindigul District.

+ 1 cc TO Mr.H.Lakshmi Shankar , Advocate in SR No. 70199
+ 1 cc TO Mr.S.Natesh Raja , Advocate in SR No. 70169

rj2
AE/SKN RSK/SAR1/05.07.2018/3P/5C

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