



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 14.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASANW.P. (MD) Nos.17073 & 13910 of 2017
andW.P. (MD) Nos. 3752 & 4293 of 2018
andW.M.P. (MD) Nos.13658, 13659, 13660, 19423 & 10865 of 2017
and

W.M.P. (MD) Nos.3881 & 4397 of 2018

W.P. (MD) No.17073 of 2017

P.Jayabarathy

... 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

Prayer: Writ Petition filed under Article 226 of Constitution of India, 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.

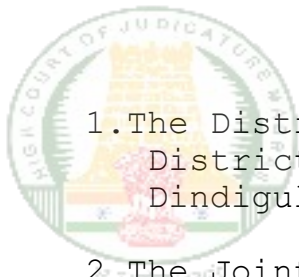
For Petitioner	: Mr.T.Lajapathi Roy
For R1 & R2	: Mr.M.Rajarajan, G.A.
For R3	: Mr.Natesh Raja, Standing Counsel
For R4	: Mr.H.Lakshmi Shankar

W.P. (MD) No.13910 of 2017

P.Jayabarathy

... Petitioner

Vs.

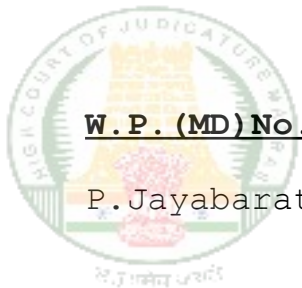


- 1.The District Collector,
District Collectorate,
Dindigul, Dindigul District.
- 2.The Joint Chief Controller of Explosives,
P.E.S.O., Shastri Bhavan,
Nungampakkam, Chennai.
- 3.The District Fire Officer,
O/o. The District Fire Officer,
Dindigul Division, Dindigul District.
- 4.Bharath Petroleum Corporation Ltd.,
Represented through its,
Territory Manager, No.37, TPK Road,
Pasumalai, Madurai-625 004.
- 5.The Commercial Tax Officer,
O/o. The Commercial Tax Officer,
Dindigul (Rural), Dindigul District.
- 6.The Superintendent of Police,
O/o. The Superintendent of Police,
Dindigul, Dindigul District.
- 7.The District Revenue Officer,
O/o. The District Revenue Officer,
Dindigul, Dindigul District.
- 8.Manimegalai
- 9.Dasprakash
- 10.Bhuvaneshwari

... Respondents

Prayer:Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent no.4 herein to continuously supply petroleum products to the petroleum retail outlet of the petitioner herein in No.10/46-A, Vellodu, NH-7, Madurai Main Road, Dindigul-624 304, Dindigul District and for a consequential direction directing the respondent no.5 to not terminate the TIN registration of the petitioner in TIN No.33265264090 and consequently direct the respondent no.1 not to terminate the No Objection Certificate of the petitioner's business without following the produce contemplated under Section 151 (1) and 152 (a) of the Petroleum Rules, 2002.

For Petitioner	: Mr.T.Lajapathi Roy
For R1 to R3 & R5 to R7	: Mr.M.Rajarajan, G.A.
For R4	: Mr.Natesh Raja, Standing Counsel
For R2	: Mr.S.Jeyasingh
For R8 to R10	: Mr.H.Lakshmi Shankar

**W.P. (MD) No. 3752 of 2018**

P.Jayabarathy

... Petitioner

Vs.

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

2.The District Revenue Officer,
O/o. The District Revenue Officer,
Dindigul, Dindigul District.

3.The General Manager,
Bharath Petroleum Corporation Ltd.,
Ranganathan Gardens,
Anna Nagar 15th Main Road,
Chennai-600040.

4.Territory Manager,
Bharath Petroleum Corporation Ltd.,
No.37, TPK Road,
Pasumalai, Madurai-625 004.

5.Manimegalai

6.Dasprakash

7.Bhuvaneshwari

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent nos.3 and 4 to provide alternative retail site with respect to the Bharath Petroleum Retail Outlet, operated by the petitioner at No.10/46-A, Vellodu, NH-7, Madurai Main Road, Dindigul-624 304, with same sales volume (60 KL of MS and 200 KL of HSD) per month within the time frame stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For R1 & R2	: Mr.M.Rajarajan, G.A.
For R3 & R4	: Mr.S.Natesh Raja, Standing Counsel
For R5 to R7	: Mr.H.Lakshmi Shankar

W.P. (MD) No. 4293 of 2018

1.G.Manimekalai

2.G.Das Prakash

3.G.Bhuvaneshwari

... Petitioners

Vs.

1.The Chief Controller of Explosives,
Petroleum and Explosives and Safety Organisation,
A-Block, 5th Floor,
CGO Complex, Seminary Hills, Nagpur-440 006.



2.The Joint Chief Controller of Explosives,
Petroleum and Explosives and Safety Organisation,
A & D Wing, Block 1-B, IIInd Floor, Shasrti Bhavan,
No.26, Haddows Road, Nungambakkam,
Chennai-600 006.

3.The District Revenue Officer, (DRO)
Dindigul Collectorate,
Dindigul District.

4.The Territory Manager,
Bharat Petroleum Corporation Ltd.,
Retail Territory Office,
37, Thirupparakundram Road,
Pasumalai, Madurai-625 004.

5.P.Jayabharathi

...Respondents

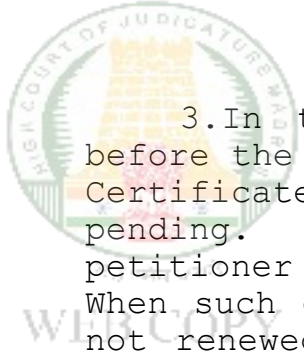
Prayer:Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 cancel the Explosive Licence No.P/SC/TN/14/7388 (P381980) and No Objection Certificate D.DIS.74435/96C4 dated 30.12.1996 in favour of the 4th respondent forthwith as per rule 150 and 152 of the Petroleum Rules 2002 in respect of property in S.No.13/1N, A.Vellodu Village, Dindigul Taluk.

For Petitioners	: Mr.H.Lakshmi Shankar
For R1 & R2	: Mr.S.Jeyasingh
For R3	: Mr.Rajarajan, G.A.
For R4	: Mr.S.Natesh Raja, Standing Counsel
For R5	: T.Lajapathi Roy

COMMON ORDER

Since the issue involved in these Writ Petitions are one and the same, these Writ Petitions are taken up for final disposal and disposed of by this common order.

2.The fourth respondent in W.P.(MD)No.17073 of 2017 is the owner of the property in Survey No.13/1N at Vellodu Village, Madurai Main Road, Dindigul. The petitioner herein is running a Petroleum Retail Outlet under the Bharath Petroleum Corporation Ltd., who is the lessor of the said property. On 17.07.2009, a dealership to sell petroleum products was granted to the petitioner. The petitioner herein has also obtained explosive license to run the said Petroleum Retail Outlet. The lease period got expired on 30.02.2016 and the same was not extended by the landlord and a notice was also issued to that effect. Thereafter, the writ petitioner filed a suit in O.S.No.520 of 2016 before the Additional District Munsif, Dindigul for permanent injunction against 4th respondent which was subsequently dismissed.



3. In the mean time, the 4th respondent filed an application before the District Revenue Officer for cancellation of No Objection Certificate granted in favour of the petitioner and the same is pending. While so, the 2nd respondent also issued notice to the petitioner and also to the 3rd respondent and an enquiry is pending. When such enquiry is pending and when the lease agreement was also not renewed by the landlord, the present impugned notice has been issued by the 2nd respondent to the 3rd respondent, asking for some information regarding petroleum products being supplied to the petitioner herein after the expiry of the lease period.

4. The petitioner filed another Writ Petition before this Court in W.P.(MD)No.13910 of 2017 seeking a direction to the Bharath Petroleum Corporation Ltd., to supply petroleum products continuously to the petitioner and also for a direction to the District Collector not to terminate the No Objection Certificate granted in favour of the petitioner and also to direct the Commercial Tax Officer not to terminate the TIN registration of the petitioner. Apart from that another Writ Petition has also been filed by the petitioner before this Court in W.P.(MD)No.3752 of 2018 seeking a direction to the Bharath Petroleum Corporation to provide for alternative site for running the retail outlet.

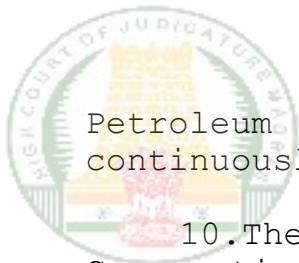
5. The fourth respondent in W.P.(MD)No.17073 of 2017 filed a Writ Petition in W.P.(MD)No.4293 of 2018 to direct the respondents 1 to 3 to cancel the Explosive Licence No.P/SC/TN/14/7388 (P381980) and No Objection Certificate in D.DIS.74435/96C4 dated 30.12.1996 in favour of the 4th respondent forthwith as per Rules 150 and 152 of the Petroleum Rules 2002.

6. I have heard the learned counsel for the writ petitioner and the respective counsel for the respondents and also perused the records carefully.

7. So far as the the Writ petition in W.P.(MD)No.17073 of 2017 is concerned, the challenge is to the notice issued by the District Revenue Officer to the Bharath Petroleum Corporation Ltd., asking for some clarification regarding the supply of petroleum products to the writ petitioner.

8. The learned counsel appearing for the Bharath Petroleum Corporation Ltd., submitted that since the No Objection Certificate and the license are not cancelled so far, they are entitled to supply the petroleum products to the petitioner. In these circumstances, the Bharath Petroleum Corporation Ltd., sent a reply to the notice, stating that till date there is no order for eviction and in case, any eviction order is passed, the license will be surrendered subject to the provisions of the appeal against the eviction order.

9. So far as the Writ Petition in W.P.(MD)No.13910 of 2017 is concerned, the petitioner sought only for a direction to the Bharath



Petroleum Corporation Ltd., to supply petroleum products continuously to the petitioner.

10. The learned counsel appearing for the Bharath Petroleum Corporation Ltd., submitted that as of now, the respondent-Corporation is supplying the petroleum products to the petitioner and the said fact is also admitted by the petitioner. Since the petroleum products are being supplied to the petitioner till date, no further order is required to be passed in W.P.(MD)No. 13910 of 2017. Accordingly, W.P.(MD)No. 13910 of 2017 is closed.

11. So far as the Writ Petition in W.P.(MD)No.4293 of 2018 is concerned, even though the prayer sought for cancellation of No Objection Certificate as well as the license, the learned counsel appearing for the petitioner submitted that he is restricting his prayer to direct the Joint Chief Controller of Explosives and District Revenue Officer to consider the petitioner's application and pass suitable orders.

12. In the above circumstances, the writ petitions in W.P.(MD) Nos.17073 of 2017 & 4293 of 2018 are disposed of with 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 from the date of receipt of a copy of this order. It is also open to the parties to appear before the authorities and file their objections.

13. So far as the Writ Petition in W.P.(MD)No.3752 of 2018 is concerned, the prayer sought for is to provide alternative arrangement for running Petroleum Retail Outlet and for the said relief, the petitioner made a representation dated 13.01.2018 to the respondents 3 and 4. Hence, the respondents 3 and 4 are directed to consider the petitioner's representation and pass suitable orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

14. With above observations, the Writ Petition in W.P.(MD) No.13910 of 2017 is closed and the Writ Petitions in W.P.(MD) No.17073 of 2017, W.P.(MD)No.4293 of 2018 and W.P.(MD)No.3752 of 2018 are disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar (T&P)

/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.

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

4. The Joint Chief Controller of Explosives,
P.E.S.O., Shastri Bhavan,
Nungampakkam, Chennai.

5. The District Fire Officer,
O/o. The District Fire Officer, Dindigul
Division, Dindigul District.

6. The Commercial Tax Officer,
O/o. The Commercial Tax Officer,
Dindigul (Rural), Dindigul District.

7. The Superintendent of Police,
O/o. The Superintendent of Police,
Dindigul, Dindigul District.

8. The District Revenue Officer,
O/o. The District Revenue Officer,
Dindigul, Dindigul District.

9. The General Manager,
Bharath Petroleum Corporation Ltd.,
Ranganathan Gardens, Anna Nagar 15th Main Road,
Chennai-40.

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.56021
+4CC TO M/S.T.LAJAPTHI ROY, ADVOCATE, SR NO.55383
+2CC TO M/S.S.JEYASINGH, ADVOCATE, SR NOS.55271 & 55272
+4CC TO M/S.H.LAKSHMI SHANKAR, ADVOCATE, SR NOS.55402 TO 55405
+4CC TO M/S.S.NATESHRAJA, ADVOCATE, SR NOS.55759 TO 55762

W.P. (MD) Nos.17073 & 13910 of 2017
and

W.P. (MD) Nos. 3752 & 4293 of 2018
14.03.2018