

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.5586, 5587 & 5589 of 2019  
and  
W.M.P.Nos.6361, 6362 & 6364 of 2019

G.Ravichandran,

...Petitioner  
(in WP.No.5586/2019)

2. M.Ravichandran,

...Petitioner  
(in WP.No.5587/2019)

3. P.Vijay Ganesh,

...Petitioner  
(in WP.No.5589/2019)

Vs.

The Senior Regional Manager,  
Hindustan Petroleum Corporation Ltd.,  
Coimbatore Regional Office,  
18/3, Big Bazaar Street,  
Coimbatore - 641001.

...Respondent  
(in all Wps)

Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to permit the petitioners (Customer Code Nos.15640210, 15640110 and 15640410) respectively, to continue as a COCO Operator till the new dealer is appointed.

For Petitioner : Mr.S.Doraisamy (in all Wps)

For Respondent : Mr.M.Vijayan  
for M/s. King & Patridge  
(in all WPs)

C O M M O N    O R D E R

Mr.M.Vijayan, learned counsel takes notice for the respondent. By consent of the parties, these main writ petitions are taken up for final disposal at the admission stage itself.

2. All these three writ petitions are filed by three individual writ petitioners, seeking for mandamus directing the respondent to permit them to continue as COCO Operator till the new dealer is appointed.

3. These writ petitions are filed based on mere apprehension that the respondent is going to let out the premises to the third party.

4. However, the learned counsel appearing for the respondent, based on instructions, submitted that these writ petitions are totally misconceived, especially, when an order passed in W.A.Nos.1043 to 1045 of 2015 dated 06.12.2017, between the same parties takes care of the interest of the petitioners and that the respondent is strictly obeying the said order.

5. Heard both sides.

6. It is seen that these writ petitioners have already approached this Court and filed W.P.Nos.23732 to 23735 of 2014 challenging the order to vacate and hand over vacant possession of the outlet to the respondent. The said writ petition was disposed of on 19.02.2015 in the following terms:

"3..... (ii) If the Indian Oil Corporation is satisfied with the performance of the Present M&H Contractors, no precipitative action would be necessary. If they are not satisfied, then they will put the relevant parties to notice of their intent to change on account of lack of performance, so that the parties have a right to explain their stand.

(iii) Needless to say, if a new policy would come into operation, its applicability would depend on how that policy is structured."

7. Challenging the said order, the respondent herein filed above W.A.Nos.1043 to 1045 of 2015. The Division Bench of this Court disposed of those Writ Appeals on 06.12.2017 by observing as follows:

"3. When the appeals were taken up for hearing again, the learned Standing Counsel for the appellant produced the affidavit signed by the Chief Regional Manager, Hindustan Petroleum Corporation Limited, Coimbatore, indicating that the respondent in the respective writ petitions would be permitted to function as COCO dealer till appointment is made by the Corporation. In view of the said affidavit, the respondent in the respective appeals filed an undertaking affidavit that they will vacate and hand over vacant possession of the outlet in question to the appellant on appointment of a regular dealer. The affidavits filed by the appellant and the respondent in the respective appeals are taken on record.

4. In view of the undertaking given by the appellant, the respondent in the respective appeals would be permitted to function as COCO dealer till the Corporation appoints dealers for running the outlet. The respondent in the respective appeals shall hand over vacant possession of the outlet in question to the appellant within two weeks from the date of receipt of information given by the Corporation with regard to the appointment of dealers."

8. Perusal of the said order passed by the Division Bench of this Court would show that the interest of the petitioners is fully taken care of in respect of the possession of the property, till they receive intimation from the respondent-Corporation with regard to appointment of new dealers. Therefore, the learned counsel appearing for the respondent has rightly contended that the present Writ Petitions are totally misconceived.

9. Accordingly, these writ petitions are disposed of, only by directing both the parties to strictly adhere to the undertaking already given before the Division Bench of this Court in W.A.Nos.1043 to 1045 of 2015 dated 06.12.2017. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

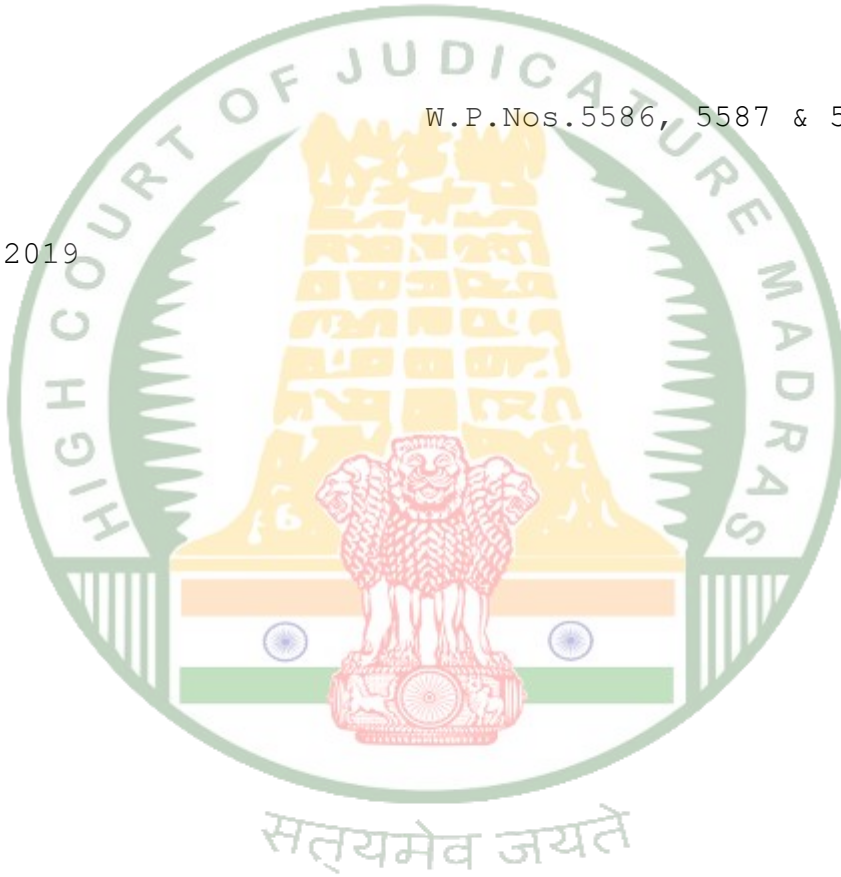
To

The Senior Regional Manager,  
Hindustan Petroleum Corporation Ltd.,  
Coimbatore Regional Office,  
18/3, Big Bazaar Street,  
Coimbatore - 641001.

+3cc to M/S.King & Partridge, Advocate Sr.18524, 18525 & 18526  
+3cc to Mr.S.Doraisamy, Advocate Sr.18409

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mg[co]  
srg 23/03/2019



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