

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.05.2019

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.14207 of 2019
and W.M.P.No.14261 of 2019

S.Sivasubramanian

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Petitioner

vs

1. The Director of Survey & Settlement
Chepauk, Chennai-5.
2. The District Collector
Salem District.
3. The District Revenue Officer
Salem, Salem District.
4. The Chief Engineer, NH Wing
Highways Department
76, Sardar Patel Road
III Floor, Integrated CE's Office
Guindy, Chennai - 600 025.
5. The Divisional Engineer (Highways Dept.,)
TNRST-II, Salem Flat No.38A, Godthavari Street
Nedunsalai Nagar, Bodinaicken petti Village
Salem Corporation, Salem - 636 005.
6. The Superintending Engineer (PWD)
WRO, Salem Hasthampatti, Salem District.
7. The Superintending Engineer PWD (WRO)
Upper Cauvery Basin Circle
Salem, Salem District - 636 007.
8. The Chairman/Managing Director
Hindustan Petroleum Corporation Ltd.,
Petroleum House, 17, J Tata Road
Churchgate, Mumbai - 400 020.

9. The Chief Regional Manager
Hindustan Petroleum Corporation Ltd.,
Salem Retail Regional Office
Level 4, GK Towers, Door No.395/2
First Main Road, New Fairlands
Salem - 636 016.

10.P.Kaveri.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 7 to consider the representation dated 29.04.2019 made by the petitioner herein to take necessary action against the respondent Nos.8 to 10 for commissioning petrol bunk retail outlet at Mysore Main Road, Karunkallur Village, Kolathur Block, Mettur Taluk, Salem District without any valid title for the landed property which actually belongs to State Highway Department. Within stipulated time period as may be fixed by this Court.

For Petitioner : Mr.T.Sundaravadanam

For Respondents : Mr.R.Govindasamy
Special Government Pleader for RR1-7

ORDER

(Order of the Court was made by S.VAIDYANATHAN, J.,)

The Writ Petition has been filed by the petitioner to direct the respondents 1 to 7 to consider the representation dated 29.04.2019 made by the petitioner herein to take necessary action against the respondent Nos.8 to 10 for commissioning petrol bunk retail outlet at Mysore Main Road, Karunkallur Village, Kolathur Block, Mettur Taluk, Salem District without any valid title for the property which actually belongs to State Highway Department.

2. The petitioner has come forward with this Writ Petition praying that the representation dated 29.04.2019 has to be considered for commission of petrol retail outlet at Mysore Main Road, Karunkallur Village, Kolathur Block, Mettur Taluk, Salem District.

3.Heard the learned counsel appearing for the petitioner, learned Special Government Pleader appearing for the respondents 1 to 7 and also perused the materials available on record.

4. On a glance of the letter dated 30.04.2019, sent by the 9th respondent to the petitioner herein it is very clear that the petitioner has already sent a complaint to the respondents on 08.03.2019, which has been considered and detailed order has been passed and communicated to the petitioner vide letter No.SRO/NW/RET dated 23.03.2019. Again he made a complaint before the respondents on 29.04.2019 and the 9th respondent has sent his reply as stated below:

"We refer to the above subject complaint addressed to the Secretary to Govt, Revenue Dept, Chennai & others, we wish to state the following.,

*Notice for appointment of Rural/Regular Dealership-issued in the daily news paper on 13th October 2014. Location Karunkallur - Pallavadi was published as Serial No.616 under "SC" Category.

*Due process as per Dealer Selection Guidelines was followed for selection of candidates.

*The outlet has been commissioned after obtaining all statutory approvals.

On this subject, we refer to your complaint dated 08.03.2019 on the same subject to the Hon'ble Prime Minister of India & Others for which we sent out reply vide letter dated 23.03.2019 and sent through courier. As the cover returned undelivered on 30.03.2019, we have sent the same letter again through Registered Post Acknowledgement Due on 02.04.2019 (copies enclosed).

Should you require any more clarification, feel free to contact the under-signed."

5. In this writ petition, the petitioner has not chosen to challenge the order dated 30.04.2019, however, he came forward with the prayer to consider his representation dated 29.04.2019. Since the issue has already been decided and detailed order has been passed as extracted supra by the Hindustan Petroleum Corporation Limited, and moreover, the Supreme Court in the decision reported in Government of India and another vs. P.Venkatesh [Civil Appeal No.2425 of 2019 decided on 01.03.2019, has held that the disposal of the representation will create further round of litigation, instead of giving quietus to the matter, this Court is not inclined to grant the relief of considering the representation made by the petitioner. Hence,

the Writ Petition stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

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To

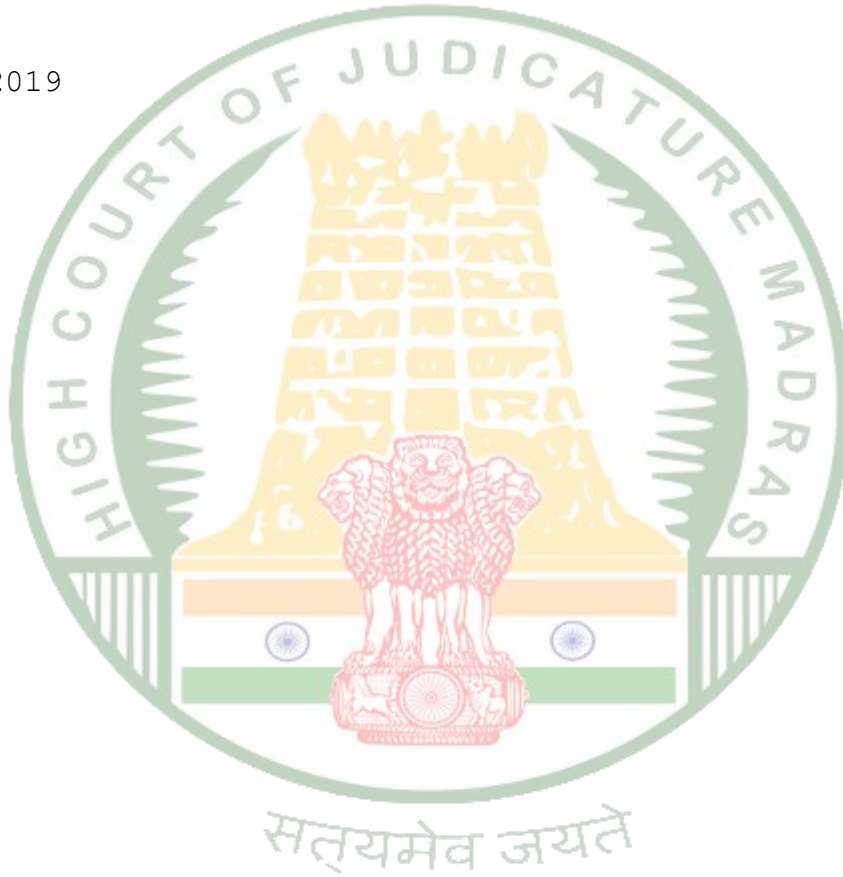
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+1cc to Mr.T.Sundaravadanam, Advocate, S.R.No.43429
+1cc to the Government Pleader, S.R.No.43417

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