

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.5711 of 2020

and

WMP Nos.6664, 6666, 6667 and 6668 of 2020

Thiruchengode Rig Urimaiyalargal Sangam,
Rep. By its Secretary K.A.Dhanashekar,
T.R.U.S.Building,
Sankari Road,
Tiruchengodu,
Namakkal District.Petitioner

Vs.

- 1.The Ministry of Petroleum and Natural Gas,
Rep. By its Under Secretary to Govt. of India,
Shastri Bhawan,
New Delhi.
- 2.The Deputy General Manager (Retail Sales),
Head Office, IOCL Bhavan,
Bandra East, Mumbai.
- 3.The General Manager (Retail Sales),
Indian Oil Bhavan,
No.139, Mahatma Gandhi Road (Uththmar Gandhi Road),
Nungambakkam High Road,
Chennai 600 034.
- 4.The Divisional General Manager (DGM),
Salem Divisional Office,
Indian Oil Corporation,
No.234, 1st Floor,
NH-7, Salem-Bangalore Bypass Road,
Kondalampatti,
Salem 636 010.Respondents

Prayer .:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified mandamus to call for the records relating to the impugned circular No.203-05/2012 dated 10.05.2012 issued by the second respondent and quash the same as illegal as it cannot be put into operation after the issuance of comprehensive guidelines issued by the first respondent dated 24.10.2016 with regard to appointment and extension of ad hoc dealership and consequently directing

the respondents 2 to 4 to extend the Ad-Hoc Dealership of the petitioner as per the guidelines issued by the first respondent dated 24.10.2016 till a regular dealer is appointed in respect of petrol bunk located in Sankari Road, Tiruchengodu, Namakkal District.

For Petitioner : Mrs.G.V.Seethalakshmi
For Respondents : Mrs.ME.Saraswathi for R1
Mr.Mohammed Fayaz for R2 to R4

ORDER

This matter is taken up for hearing through Video Conferencing mode.

2.This writ petition is filed for a certiorarified mandamus to call for the records relating to the impugned circular No.203-05/2012 dated 10.05.2012 issued by the second respondent and quash the same as illegal as it cannot be put into operation after the issuance of comprehensive guidelines issued by the first respondent dated 24.10.2016 with regard to appointment and extension of ad hoc dealership and consequently directing the respondents 2 to 4 to extend the Ad-Hoc Dealership of the petitioner as per the guidelines issued by the first respondent dated 24.10.2016 till a regular dealer is appointed in respect of petrol bunk located in Sankari Road, Tiruchengodu, Namakkal District.

3. Heard both sides.

4. The challenge made in this writ petition is against a Circular and the effect of such challenge is that the petitioner's dealership should be renewed.

5. It is brought to the notice of this Court that the very same petitioner filed W.P.No.4746 of 2020, seeking for mandamus directing the respondents to renew the existing dealership for the petitioner 2020-2021 by considering their representation and consequently restraining the respondents anyway from granting dealership license to any third party other than the petitioner. It is also informed by the learned counsel for the respondents that the said writ petition was dismissed on merits by order dated 25.02.2020. A copy of the said order is also placed before this Court.

6. It is seen from the said order that this Court observed that it cannot sit over the shoulders of the respondents and thrust the petitioner as a dealer and direct the respondents to grant extension of the contract. Accordingly, the said writ petition was dismissed. When such being the factual position, the petitioner was not justified

in filing another writ petition viz., the present one, by challenging the Circular. As rightly pointed out by the learned counsel for the respondents, it is for the petitioner to work out his remedy as against the said order passed in the earlier writ petition by filing Writ Appeal and raise all the contentions therein. Without doing so, filing the present writ petition to seek the very same relief is not maintainable. Accordingly, the Writ Petition is dismissed. No costs. The connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsi/vri
To

- 1.The Under Secretary to Govt. of India,
Ministry of Petroleum and Natural Gas,
Shastri Bhawan,
New Delhi.
- 2.The Deputy General Manager (Retail Sales),
Head Office, IOCL Bhavan,
Bandra East, Mumbai.
- 3.The General Manager (Retail Sales),
Indian Oil Bhavan,
No.139, Mahatma Gandhi Road (Uththmar Gandhi Road),
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- 4.The Divisional General Manager (DGM),
Salem Divisional Office,
Indian Oil Corporation,
No.234, 1st Floor,
NH-&, Salem-Bangalore Bypass Road,
Kondalampatti,
Salem 636 010.

A.SK(09/10/2020)

W.P.No.5711 of 2020