

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.10.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.7046 of 2020

Gopalji Ratnsy and Son,
Partnership firm rep by Hanskumar Govindji.
Dealer of Bharat Petroleum Corporation Ltd.,
No.185, Palani Road,
Udumalpet - 642 126 ... Petitioner

vs

1. The Commissioner,
Udumalpet Municipality,
Udumalpet, Tiruppur District.
2. Bharat Petroleum Corporation Ltd.,
Rep.by its Territory Manager
(Retail) Irugur Top Installation,
Ravathur, Coimbatore 641 103 ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the first respondent to de-seal the premises at No.185, Palani Road, Udumalpet for the purpose of removing the things mentioned the schedule to the petition and consequently direct the 2nd respondent to take back petrol, diesel, lubricants mentioned in the schedule to the petition from No.185, Palani Road, Udumalpet and reimburse the cost of the product to the petitioner within the time frame fixed by this Court.

For Petitioner : Mr.G.Surya Naryanan
For R1 : Mr.A.S.Thambusamy
For R2 : Mr.V.Anantha Natarajan

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ORDER

This writ petition is heard through Video-Conferencing, on account of the COVID-19 pandemic situation.

2. The writ petition has been filed seeking a mandamus to direct the first respondent to de-seal the retail outlet at No.185, Palani Road, Udumalpet for the purpose of taking out the

properties mentioned in the schedule to the Writ Petition.

3. The petitioner is the dealer of the second respondent under dealership agreement dated 17.04.2017 for sale and distribution of petroleum products. There arose a dispute regarding tenancy between the first and second respondents in respect of the land in which petroleum retail outlet of the petitioner is situated.

4. The first respondent, who is the Commissioner, Udumalpet Municipality, had de-sealed the retail outlet run by the petitioner due to the dispute between the first and second respondents regarding the lease. Now, the stocks that are available in the premises belonging to the second respondent, were taken on credit facilities from a Bank. It is also stated that the Ministry of Petroleum and Natural Gas has introduced BS VI products with effect from 01.04.2020 and that the entire petroleum products inside the retail outlet will go waste, if the second respondent is not taking back the products before 31.03.2020.

5. At this juncture, the learned counsel for the first respondent expressed no objection for de-sealing the premises for a period of two weeks to enable the petitioner to remove all those products mentioned in the schedule to the petition.

6. The learned counsel for the second respondent, which is the Petroleum Corporation, has also filed counter affidavit, in which, they say that they have also no objection for the petitioner in removing the schedule mentioned properties. However, the same has to be done, without prejudice to their rights in the suit filed in O.S.No.70 of 2019 on the file of the District Munsif, Udumalpet and also C.R.P.No.1641 of 2019 pending before this Court.

7. Recording the above statement made by the learned counsel appearing for the second respondent-BPCL, the first respondent-Commissioner of Udumalpet Municipality is directed to de-seal the premises for a period of 15 days, as requested by the petitioner in this regard.

8. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

1. The Commissioner,
Udumalpet Municipality,
Udumalpet, Tiruppur District.

2. The Territory Manager
Bharat Petroleum Corporation Ltd.,
(Retail) Irugur Top Installation,
Ravathur, Coimbatore 641 103

+1cc to M/s. Mr.G.Surya Naryanan, Advocate, sr no.32847

W.P.No.7046 of 2020

RR(CO)
RMP(02/12/2020)



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