

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.34111 of 2019

Bharat Petroleum Corporation Limited,
Rep. by its Territory Manager (Retail),
Chennai Territorial Office,
No.35, Vaidyanathan Street,
Tondiarpet, Chennai - 600081.

...Petitioner

..Vs..

1.The Transport Commissioner,
(The Appellate Authority under
Rule 154(1)(iii) of the Petroleum
Rules, 2002)
Ezhilagam, Chennai - 600005.

2.District Revenue Officer,
Vellore District, Vellore.

3.V.S.Kumaran

...Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to dispose of the appeal filed by the petitioner under Rule 154(1)(iii) of the Petroleum Rules, 2002 against the order of the District Revenue Officer, Vellore in PA/MU.C2/9154/2015 dated 17.06.2019 within two weeks.

For Petitioner : Mr.Vijayan
for M/s.King and Partridge

For Respondents : Mr.R.Govindasamy
Spl. Government Pleader
for R1 & R2
Mr.M.Rajasekar for R3

O R D E R

The writ petition has been filed directing the first respondent, namely the Transport Commissioner/The Appellate Authority under Rule 154(1)(iii) of the Petroleum Rules, 2002, to dispose of the appeal against the order of the District Revenue Officer, Vellore, dated 17.06.2019.

2.In the affidavit filed in support of the writ petition, it has been stated that Door No.96, Arani Road, Sankaran Palayam, Vellore District had been taken out on lease in the year 1963 by the then Burma Shell Oil Storage and Distribution Company of India Limited for a period of 20 years from 01.06.1963. Thereafter, the Government of India had acquired the said Company and consequently, the said entity became a Government Company and the name was changed to Bharat Petroleum Corporation Limited.

3.It is stated that one of the Lessor V.D.Srinivasan died on 16.02.1989 and the Company attorned the tenancy with his legal heirs. Subsequently, another Lessor died on 15.02.1993 and again another lesser died on 14.06.2008. The present land owner, namely the third respondent, had purchased the land in the year 2013. It is stated that the third respondent had filed an application to cancel the No Objection Certificate under Rule 150(1) of the Petroleum Rules, 2002. The second respondent District Revenue Officer had issued notices for personal hearing and thereafter, had passed an order dated 17.06.2019. As against the said order, the petitioner had filed an appeal before the first respondent on 26.06.2019.

4.Today, Mr.R.Govindasamy, learned Special Government Pleader had forwarded a copy of the order of the first respondent, dated 25.11.2019 in R.No.24893/M2/2019. In view of the fact that orders have been passed by the first respondent, nothing survives in the present writ petition and consequently, the Writ Petition itself is disposed of with the above directions. No costs. The writ petitioner may take up the matter in an appropriate manner in accordance with the rules.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Transport Commissioner,
 (The Appellate Authority under
 Rule 154(1)(iii) of the Petroleum
 Rules, 2002)
 Ezhilagam, Chennai - 600005.

2.District Revenue Officer,
 Vellore District, Vellore.

+1cc to M/s.King & Partridge, Advocate Sr.566
+1cc to Mr.M.Rajasekhar, Advocate Sr.300

W.P.No.34111 of 2019

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srg 12/02/2020