

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.376 of 2021

1. Bharat Petroleum Corporation Limited
rep. by its General Manager
No.1, Ranganathan Gardens
11th Main Road, Anna Nagar
Chennai - 600 040.
2. The Territory Manager (Retail)
Bharat Petroleum Corporation Limited
No.35, Vaidyanathan Street
Tondiarpet, Chennai - 600 081. ... Appellants

Vs.

Sekhar Enterprises
rep. by its Proprietor, T.Rajashekhar
No.345, G.N.T.Road
Gummidipoondi - 601 201
Thiruvallur District. .. Respondent

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 3.11.2020 made in W.P.No.12256 of 2019.

Prayer in W.P.No.12256 of 2019:

Writ Petition filed under Article 226 of the Constitution of India Praying for issuance of a Writ of Certiorari Mandamus Calling for the records of the 2nd respondent issued vide Proceedings in CHTR. Sekar Enterprises (CC 110932) dated 09.04.2019 and quash the same and consequently direct the respondents herein to allow the petitioner to shift and relocate his existing license to sell petroleum products from the place at No. 245 GNT Road Gummidipoondi to the place at Survey No. 342/ 6A2B and Survey No. 342/ 1A2 Pappankuppam Village Gummidipoondi Taluk.

For Appellants

: Mr.M.V.Vijayan
for M/s.King and Partridge

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

The appellants cannot be perceived to be persons aggrieved by the order impugned dated November 3, 2020.

2. The appellants are a nationalized oil company and one of its managers. The respondent herein is a retailer. The writ petition was instituted to quash a direction dated April 9, 2019 for the writ petitioner being required to shift and relocate his outlet.

3. It is necessary that the operative part of the order impugned be seen in its entirety:

"12. In view of the same, the rejection is correct. However, as and when the petitioner faces threat of eviction from the land owner, his request for resitment, shall be considered by the respondents/BPCL.

13. With the above observation and direction, the writ petition is disposed of. However, there shall be no order as to cost. Consequently, the connected writ miscellaneous petition is closed."

4. The rejection that is referred to in the passage quoted above pertains to the rejection of a representation of the writ petitioner. Since the Writ Court found such rejection to be correct and did not interfere therewith, the present appellants cannot have any manner of grievance against the relevant order. The second sentence in paragraph 12 merely asks the appellants herein to consider a further representation that may be made without putting any fetters on the appellants herein. Such part of the order would imply that the appellants herein are free to consider and reject such further representation.

5. In such circumstances, the appellants do not appear to have been hard done by or prejudiced in any manner by the order impugned to be aggrieved thereby or dissatisfied therewith.

6. The appellants say that an independent appeal has been filed by the respondent herein. The present appeal cannot bolster the present appellants' case in the respondent's appeal. This appeal is dismissed on the ground that the appellants have not been prejudiced by the impugned order and without prejudice

to the rights of the present appellants to sustain the order impugned herein in the respondent's appeal.

W.A.No.376 of 2021 is dismissed. There will be no order as to costs.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

sasi

To,

1. Bharat Petroleum Corporation Limited
rep. by its General Manager
No.1, Ranganathan Gardens
11th Main Road, Anna Nagar
Chennai - 600 040.

2. The Territory Manager (Retail)
Bharat Petroleum Corporation Limited
No.35, Vaidyanathan Street
Tondiarpet, Chennai - 600 081.

+1cc to M/s.King and Partridge , Advocate SR.No. 6849

W.A.No.376 of 2021

A.SK(19.02.2021).

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion standing in front of it. The lion is facing forward and is flanked by two smaller lions. Below the lion is a red wheel. The entire emblem is set against a background of horizontal stripes in orange, white, and green. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular border around the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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