

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.2841 of 2020
and
W.M.P.No.3282 of 2020

M/s.Ellappan & Shakila Agencies,
SKO Dealer,
Represented by its Proprietrix N.Sakila
27-28, Nynar Nadar Street,
Mylapore, Chennai - 600 004.

.. Petitioner

Vs.

- 1.The Chief Regional Manager,
Hindustan Petroleum Corporation Ltd.,
(A Government of India Enterprise)
Registered Office 17, Jamshedji Road,
Mumbai - 400 020.
- 2.The Deputy General Manager - Retail,
Hindustan Petroleum Corporation Ltd.,
Chennai Retail Regional Office,
Petro Bhavan, 2nd Floor,
82, TTK Road, Alwarpet,
Chennai - 600 018.
- 3.The Deputy Commissioner (Chennai South),
Civil Supplies and Consumer Department,
Ezhilagam, Chepauk,
Chennai - 600 005.

4.Ramasamy

.. Respondents

* * *

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent not to give effect to his letter dated 06.01.2020 addressed to the 3rd respondent to suspend allotment of Super Kerosene Oil to the Petitioner Agency and restore the supply of Super Kerosene Oil to the petitioner agency by the 3rd respondent.

For Petitioner : Mr.S.Gopinathan
For Respondents-1 & 2: Mr.O.R.Santhanakrishnan

For Respondent-3 : Mr.L.P.Shanmugasundaram
Special Government Pleader

O R D E R

The writ petition has been filed seeking a direction to the second respondent not to give effect to his letter dated 06.01.2020 addressed to the third respondent to suspend allotment of Super Kerosene Oil to the Petitioner-agency and restore the supply of Super Kerosene Oil to the petitioner-agency by the third respondent.

2. The petitioner had obtained a license from the first respondent-Hindustan Petroleum Corporation Limited. The lease agreement was entered between the landlord and Hindustan Petroleum Corporation Limited for 20 years from 01.12.1997 to 30.11.2017 and the same expired during November, 2017. In the meanwhile, the landlord had filed a suit in O.S.No.318 of 2018 seeking a direction to evict Hindustan Petroleum Corporation Limited from the premises, which is now pending. Since the eviction suit filed by the landlord is pending, the first respondent-HPCL could not renew the licence to the petitioner. Therefore, Hindustan Petroleum Corporation Limited decided to surrender the site. But the surrendering of the site could not happen due to the pendency of the suit. Therefore, the first respondent by its letter dated 06.01.2020 requested the third respondent to suspend the allotment of Super Kerosene Oil (SKO) to the petitioner-agency till further information from them. In the meanwhile, the first respondent has also directed the petitioner to vacate the premises, which is said to have been challenged in W.P.No.17885 of 2020 and the same is pending.

3. Heard the learned counsel appearing on both sides and perused the materials available on record.

4. The present writ petition has been filed only for a direction to the second respondent not to give effect to the letter dated 06.01.2020 requesting the third respondent to suspend the allotment of Super Kerosene Oil to the petitioner-agency and the third respondent also has acted upon by not supplying the Super Kerosene Oil to the petitioner-agency. Hence, the relief sought for by the petitioner has become infructuous. If the licence is renewed by the first respondent and the possession of the petitioner is restored, subject to the outcome of W.P. No.17885 of 2020, it is open to the petitioner to request the third respondent to continue the supply of the Super Kerosene Oil.

5. In view of the above, the writ petition is dismissed as infructuous. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

rsi

To

- 1.The Chief Regional Manager,
Hindustan Petroleum Corporation Ltd.,
(A Government of India Enterprise)
Registered Office 17, Jamshedji Road,
Mumbai - 400 020.
- 2.The Deputy General Manager - Retail,
Hindustan Petroleum Corporation Ltd.,
Chennai Retail Regional Office,
Petro Bhavan, 2nd Floor,
82, TTK Road, Alwarpet,
Chennai - 600 018.
- 3.The Deputy Commissioner (Chennai South),
Civil Supplies and Consumer Department,
Ezhilagam, Chepauk,
Chennai - 600 005.

+1cc to Mr.S.Gopinathan, Advocate, S.R.No.23000
+1cc to the Government Pleader, S.R.No.23357

सत्यमेव जयते

W.P.No.2841 of 2020
and

W.M.P.No.3282 of 2020

VBM(CO)
CB(06/07/2021)

WEB COPY