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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.37818 of 2015

and

M.P.No.1 of 2015

M/s.G.Ramasamy Naidu Son
Rep. by its Proprietor R.N.Rajmarthanden
HPCL Dealer
SF.No.432/5F, Kunnam
Perambalur District.

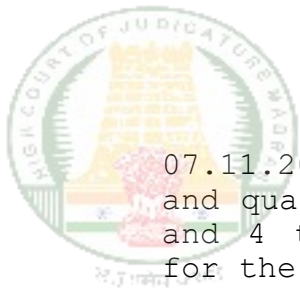
... Petitioner

Vs

1. The Commissioner of Civil Supplies and
Consumer Protection Department,
Chepauk, Chennai - 600 005.
2. The District Collector,
Perambalur District,
Perambalur.
3. The District Supply Officer cum
Consumer Protection Officer,
Perambalur District,
Perambalur.
4. The District Revenue Officer cum
Additional District Judge,
Perambalur District, Perambalur.
5. Senior Zonal Manager,
Hindustan Petroleum Corporation Ltd.,
Door No.90, 2nd Floor,
MDSR Enclave, Bharathidasan Road,
Contonment, Trichy-1.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the
Constitution of India, to issue a Writ of Certiorarified
Mandamus, calling for the records relating to the order of the
3rd respondent in proceedings No.Na.Ka.S2/16227/2014 dated



07.11.2015 which was received by the petitioner on 19.11.2015 and quash the same and consequently, directing the respondents 3 and 4 to renew the petitioner's storage and wholesale licence for the year 2015 to 2017.

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For Petitioner	:	Mr.M.Baskar
For Respondents		
R1 to R4	:	Mr.C.Sathish Government Advocate
R5	:	Mr.M.Vijayan for M/s.King and Patridge

O R D E R

The order dated 07.11.2015 passed by the third respondent is sought to be quashed in the present writ petition and a direction is sought for to renew the petitioner's storage and wholesale license for the year 2015 to 2017.

2.The petitioner states that they are doing wholesale business in Kerosene from the year 1949 in the combined District of Trichy by obtaining necessary licence and agreement from the competent authority, namely, CALTEX. The agreement was periodically renewed in the year 1967, 1971, 1985 mentioning the area of operation as Trichy District.

3.The learned counsel appearing on behalf of the petitioner made a submission that after bifurcation of Trichy District into three Districts, the area of operations were restricted and thereafter, the impugned order has been passed. The impugned order states that the license for the petitioner was granted from 01.11.2015 to 30.11.2015 on certain conditions. Two conditions are imposed in the impugned order. Firstly, the petitioner has to get area of operation from the Hindustan Petroleum Corporation Limited. In this regard, an agreement between the Hindustan Petroleum Corporation Limited and the petitioner must be submitted. Secondly, No Objection Certificate from the Fire Services Department is to be furnished.

4.The learned Government Advocate appearing for the respondents 1 to 4 brought to the notice of this Court that the petitioner had not submitted any of these documents and furthermore, the license granted expired on 30.11.2015 itself and therefore, the writ petition became infructuous.

5.The learned counsel appearing on behalf of the 5th respondent, Hindustan Petroleum Corporation Limited also made a



submission that the petitioner had not approached the Hindustan Petroleum Corporation Limited during the relevant point of time and only in the event of an agreement, the authorities will be in a position to consider. Furthermore, the license had expired in the year 2015 and the petitioner has no right to seek any relief in the present writ petition.

6.No doubt, in view of bifurcation of Districts the areas of operation are change. However, it is for the dealer to approach the Oil Corporation for necessary allocation of area of operation by signing agreement. In the event of signing any such agreement, it is to be produced before the competent authority along with No Objection Certificate to be granted by the Fire Services Department and all other documents or informations required for the purpose of getting distributorship of Kerosene.

7.In view of the facts and circumstances, the petitioner has not established any right for interference. Consequently, the writ petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

cse

To

- 1.The Commissioner of Civil Supplies and
Consumer Protection Department,
Chepauk, Chennai - 600 005.
- 2.The District Collector,
Perambalur District, Perambalur.
- 3.The District Supply Officer cum
Consumer Protection Officer,
Perambalur District, Perambalur.
- 4.The District Revenue Officer cum
Additional District Judge,
Perambalur District, Perambalur.



5.Senior Zonal Manager,
Hindustan Petroleum Corporation Ltd.,
Door No.90, 2nd Floor,
MDSR Enclave, Bharathidasan Road,
Contonment, Trichy-1.

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+1cc to M/s.King and Partridge, Advocate SR. No.68252
+1cc to the Government Pleader SR. No.68698

W.P.No.37818 of 2015

SMI (CO)
PR (06/01/2022)