

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2021

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.9615 of 2021
(Heard through VC)

Dr.G.Chandravadhanam
Proprietrix of M/s.Kovai Fuel Point
H.P.C.L. Dealer
S.F. No.160 Part, P.N.Palayam
Avarampalayam Road
Avarampalayam, Coimbatore - 641 006 ... Petitioner

Vs.

- 1.The Joint Chief Controller of Explosives
Petroleum and Explosive Safety Organisation (PESO)
A and D Wing, Block 1 - 8
Shastri Bhavan
No.26, Haddows Road
Nungambakkam, Chennai - 600 006
- 2.The Commissioner of Police
City Police Office
Coimbatore City.
- 3.M/s.Hindustan Petroleum Corporation Ltd,
Rep by its Deputy General Manager
M.Vasantha Rao
Regional Office
18/3, HP House
Big Bazaar Street
Coimbatore - 641 001

4.V.R.Varatharaj

5.V.Venkata Krishna ... Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the 2nd respondent herein not to pass any order in his proceedings in Rc. No.V2/35137/2020 dated 17.03.2021 without hearing the petitioner herein, as the petitioner is necessary and proper party and would be seriously prejudiced if she is not heard.

For Petitioner : Mr.G.Arumugaraja

For Respondents: Mr.R.A.S.Senthilvel
Addl. Govt. Pleader for R2
Mr.M.Vijayan
for M/s.King & Patridge for R3

O R D E R

Petitioner has come forward with the present writ petition for a mandamus forbearing the 2nd respondent herein not to pass any order in his proceedings in Rc. No.V2/35137/2020 dated 17.03.2021 without hearing the petitioner herein, as the petitioner is necessary and proper party and would be seriously prejudiced, if she is not heard.

2. The petitioner is a dealer with the third respondent as a licensee. The third respondent had taken the lands from respondents 4 and 5, who are the land owners cum lessors. The lease was for a period of 30 years from 2003. There is a suit filed by the third respondent in O.S. No.308 of 2021 on the file of District Munsif, Coimbatore, seeking a direction against the respondents 4 and 5 herein to execute a lease deed in respect of 3641 sq.ft. which is covered under the lease deed dated 19.11.2003 and for a permanent injunction. As a counter-blast to the same, the respondents 4 and 5 have also filed a original suit in O.S. No.121 of 2021, on the file of the District Judge, Coimbatore, against the third respondent, for evicting the third respondent and surrender of possession. The petitioner is also made a party to the said proceedings in O.S. No.121 of 2021. The second respondent is the Commissioner of Police, Coimbatore City, who has to issue a NOC for running the dealership.

3. The apprehension of the petitioner is that the second respondent is trying to cancel the NOC for running the petrol pump station. As the petitioner has already entered into a dealership agreement with the third respondent, the petitioner only wants an audience before passing any order by the second respondent.

4. Considering the above facts, the second respondent/Commissioner of Police, Coimbatore, is directed to pass any order in the proceedings in Rc. No.V2/35137/2020 dated 17.03.2021, after affording an opportunity of personal or virtual hearing to the petitioner also.

5. With the above direction, the writ petition is disposed of. However, there is no order as to costs.

Sd/-

Assistant Registrar(CS III)

Asr
To

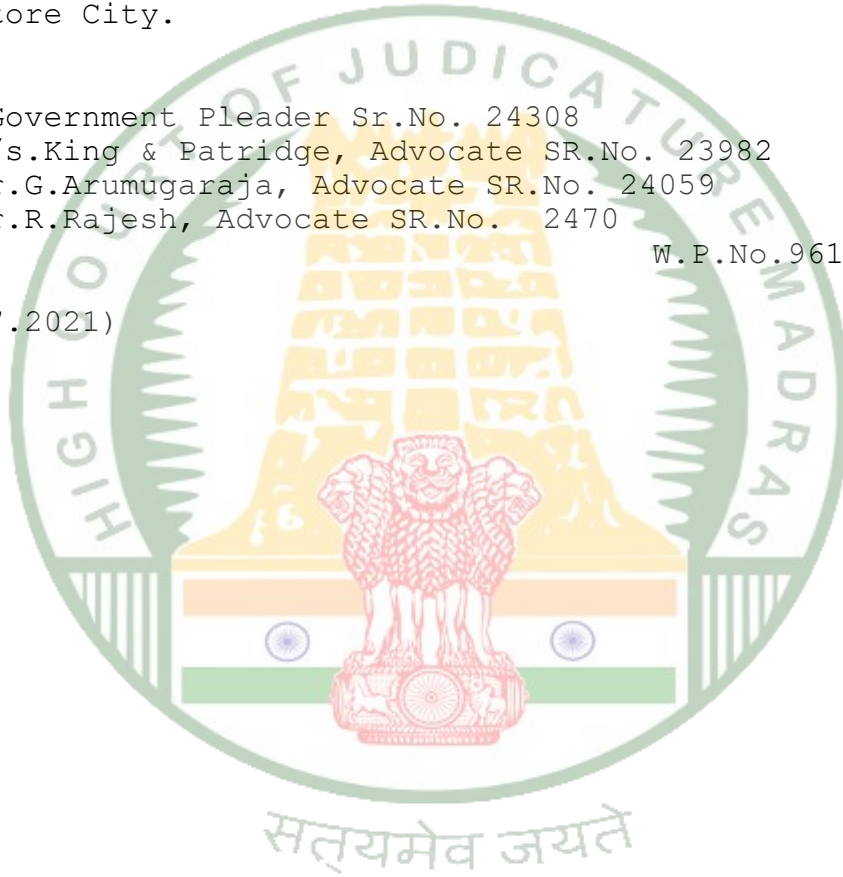
1.The Joint Chief Controller of Explosives
Petroleum and Explosive Safety Organisation (PESO)
A and D Wing, Block 1 - 8
Shastri Bhavan
No.26, Haddows Road
Nungambakkam, Chennai - 600 006

2.The Commissioner of Police
City Police Office
Coimbatore City.

+1 cc to Government Pleader Sr.No. 24308
+1cc to M/s.King & Patridge, Advocate SR.No. 23982
+1cc to Mr.G.Arumugaraja, Advocate SR.No. 24059
+1cc to Mr.R.Rajesh, Advocate SR.No. 2470

W.P.No.9615 of 2021

ssd(CO)
A.SK(07.07.2021)



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