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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No. 17679 of 2014

&

M.P.No.1 of 2014

Mrs.Shanthi Rajasekar

... Petitioner

Vs.

The Chief Divisional Retail Sales Manager
Indian Oil Corporation Limited
Chennai Divisional Office
No.500, Anna Salai, Teynampet,
Chennai - 600 018.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the entire records in connection with the impugned order of the respondent dated 23.06.2014 in Ref:"COCO-Tiruvallur" and quash the same.

For Petitioner : Mr.V.Chandrakanthan

For Respondent : Mr.R.Ravi

O R D E R

In respect of the issues raised in the present writ petition the Hon'ble Division Bench of this Court considered the similar issue and passed the Judgement in Writ Appeal Nos.309 and 377 of 2010 and W.P.(MD).Nos.4532, 3962, 3481 and 1255 of 2007 on 25.08.2014.

2. The relevant portion of the said Judgement is extracted hereunder:

"2. The aforesaid issue is no more res integra in view of the judgment of the Hon'ble Supreme Court in Mohd. Jamal and another v. Union of India [(2014) 1 SCC 201], repelling the applicability of the doctrine of promissory estoppel and legitimate expectation on the ground that where fresh leases have been granted



by land owners on definite terms and conditions, it is those terms, which would govern.

3. The second limb of subject matter of the dispute is the M&H Contractors, who are nominees of the land owners, and these contracts also are sought to be terminated on the ground of less than appropriate performance. In this behalf, there has been some subsequent development, inasmuch as during the pendency of the matters, the land owners were permitted to nominate different persons as M&H Contractors, provided they met the bench mark of the Indian Oil Corporation. These arrangements are stated to have continued satisfactorily.

4. The other development brought to our notice is the communication dated 28.7.2014 of the Government of India, Ministry of Petroleum and Natural Gas, which seeks to suggest that a review of the earlier policy decision is on the cards.

5. In view of the aforesaid, these appeals and writ petitions are disposed of in the following agreed terms:

(i) The appeals and the petitions filed by the land owners stand dismissed.

(ii) If the Indian Oil Corporation is satisfied with the performance of the present M&H Contractors, no precipitative action would be necessary. If they are not satisfied, then they will put the relevant parties to notice of their intent to change on account of lack of performance, so that the parties have a right to explain their stand.

(iii) Needless to say, if a new policy would come into operation, its applicability would depend on how that policy is structured".

3. In view of the Judgement cited supra, the present writ petition has to be considered. Accordingly, the order impugned passed by the respondent dated 23.06.2014 in Ref: "COCO - Tiruvallur" is quashed and the writ petition stands allowed. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



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Indian Oil Corporation Limited
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Chennai - 600 018.

+lcc to Mr.V.Chandrakanthan, Advocate, S.R.No.63080

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NSK 13/12/2021