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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.19223 of 2020

T.Brindavathi

...Petitioner

vs.

1. The Chairman
Bharat Petroleum Corporation Ltd.,
Bharat Bhavan
4/6, Currimbhoy Road,
Ballard Estate,
Mumbai.

2. The Regional Manager,
Bharat Petroleum Corporation Ltd.,
Southern Regional Office,
1, Ranganathan Gardens, Off
11th Main Road, P B 1212 & 1213,
Anna Nagar, Chennai, TN-40.

3. The Territory Manager (Retail)
Bharat Petroleum Coporation Ltd.,
Kadapparai Village,
Athur Post, Karur.

4. The Sales Officer,
Bharat Petroleum Corporation Ltd.,
LOA Building,
Kandampatti Bypass,
Salem-4.

5. The Revenue Divisional Officer,
Salem.

6. The Superintendent of Police,
Salem.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue an order or direction or Writ and in particular Writ in the nature of a Writ of Mandamus, directing the respondents 1 to 4 to shift a fuel station from S.No.49/5 of Ayothiyapattinam Village to some other better place to run a



fuel station in peaceful and profitable manner by considering the petitioner's representation dated 25.06.2020.

For Petitioner : Mr. R.Ezhilarasan

For Respondents : Mr. M.Vijayan RR1 to 4
For Kings & Patridge

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ORDER

The petitioner has filed this petition seeking issuance of Writ of Mandamus directing the respondents 1 to 4 to shift a fuel station from S.No.49/5 of Ayothiyapattinam Village to some other better place to run a fuel station in peaceful and profitable manner by considering the petitioner's representation dated 25.06.2020.

2. The case of the petitioner is that the petitioner's husband obtained license from the respondents 1 to 4 to run fuel station in S.No.49/5 situated at Ayothiyapattinam Village, Salem District. The petitioner's husband was running a fuel station from the year 1995. One Mahendran S/o.Dhanapal Gounder is the original owner of the above said land and the petitioner's husband and one Mahendran had entered into an agreement. While that being so, the petitioner's husband died in the year 2010. Thereafter, the said license was transferred in petitioner's name during the year 2012 and the lease deed also periodically renewed for the period 2012 to 2027. Due to some dispute, the land owner has created several problem from the year 2017. Hence, the petitioner made a representation dated 25.06.2020 to the respondents 1 to 4 for permitted to shifting the fuel station to some other place. However, there is no response from the respondents. Hence, the present Writ Petition has been filed seeking for the above said relief.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the second Respondent to consider the petitioner's representation dated 25.06.2020 within the time frame as fixed by this Court.

4. The learned counsel appearing for the respondents submitted though the petitioner made a representation to the first respondent and the first respondent is not a competent person to decide the issue. The 3rd respondent is the competent person to decide the issue. Therefore, this Court may issue direction to the petitioner to send a fresh representation to the second Respondent.



5. Heard the learned counsel for the petitioner as well as the learned counsel for the respondents and perused the materials available on record.

6. Considering the facts and circumstances of the case, this Court directs the petitioner to issue a fresh representation to the third respondent along with relevant papers and also a copy of this order. After receipt of such representation, the third respondent shall consider the petitioner's representation and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

rli
To

1. The Chairman
Bharat Petroleum Corporation Ltd.,
Bharat Bhavan,
4/6, Currimbhoy Road,
Ballard Estate, Mumbai.
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5. The Revenue Divisional Officer,
Salem.

6. The Superintendent of Police,
Salem.

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+1cc to Kings & Patridge, Advocate, S.R.No.68251

+1cc to the Government Pleader, S.R.No.68681

W.P.No.19223 of 2020

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NSK 19/01/2022