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W.P.No.6261 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.6261 of 2009

&

WMP.No.746 of 2019

B.Sujatha

Rep by her power of Attorney

Mr.Baskar

No.60, New Arch Street,

Thiruvarur Road, Nagapattinam.

...Petitioner

Vs.

1.Indian Oil Corporation

Trichy Divisional Office,

Triveni, 3rd Floor,

35, Sastri Road,

Thillai Nagar, Trichy.

2.The Regional Officer

Department of Shipping, Road Transport & Highways

No C-1-A, Rajaji Bhavan, Besant Nagar,

Chennai – 600 090.

3.The Chief Secretary

Government of Puducherry,

Secretariat, Puducherry.

4.The Chief Engineer,

Public Works Department & National Highways

Union Territory of Puducherry,

Lal Bahadur Street, Puducherry.

5.S.K.Fuel Station, Rep by its Manager

Dealer of M/s. IOCL,



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Kilavanjore Village, Karaikal-Nagore Road,
Karaikal District, Puducherry.

6.M/s Kuberan Fuel, dealer of M/s.IOCL,
Kilavanjore Village, Karaikal-Nagore Road,
Karaikal District, Puducherry.

(R6 impleaded vide order dated 22.11.2022
made in W.M.P.No.29854 of 2022 in
W.P.No.6261 of 2009)

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 4 to de-energize the 6th respondent fuel retail outlet situate at No.37, Keelavanjore Village, Karaikal – Nagore Road, Karaikal District, Puducherry State.

For Petitioner : Mr.S.Mahavir Sivaji

For Respondents : Mr.R.Sreedhar, [for R1]
Standing Counsel
Mr.A.Tamilvanan[for R3 & 4]
Additional Government Pleader(Pondy)
No appearance [For R2 & R5]
Mr.R.Murugabharathi [For R6]

ORDER

Heard learned counsel. My predecessor had, on the earlier occasion, impleaded R6 as respondent in this Writ Petition, as pending Writ petition, the offending petroleum outlet at No.37, Keelavanjore Village, Karaikal – Nagore Road, Karaikal District, Puducherry State (location in question) had changed hands from R5 to R6.



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2. The petitioner seeks mandamus directing official respondents R1 to R4, being the Indian Oil Corporation/R1, Regional Officer, Department of Shipping, Road Transport and Highways/R2, Chief Secretary, Government of Puducherry/R3, Chief Engineer, Public Works Department and National Highways/R4 to de-energizes R6/fuel oil station at No.37, Keelavanjore Village, Karaikal – Nagore Road, Karaikal District, Puducherry State (offending outlet/outlet in question) in the location in question.

3. Mr.R.Sreedhar, learned Standing Counsel appearing for R1, accedes to the position that the offending location is in violation of various regulations including specific guidelines issued by the Indian Road Congress (IRC). This realisation has come to be, only by virtue of notice issued by the Deputy Collector (Revenue)- cum-Sub Divisional Magistrate, Karaikal, dated 26.10.2022, instructing R1 to appear in person to show cause why action not be taken for discrepancies concerning illegal functioning of R5/R6 outlet in the location in question.

4. Though notice dated 26.10.2022 only talks of no-objection certificate from MoRTH (Ministry of Road, Transport & Highways, New Delhi), R1 is expected to ensure that the compliance is not restricted to



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NOC from MoRTH alone, but encompasses all required approvals, apart from conforming to the guidelines issued by IRC.

5. On 02.12.2022, the petitioner has, vide a communication to R6, intimated R6, that sales and supply to the retail outlet is stopped from 05.12.2022. A copy of notice dated 26.10.2022 in connection with reply dated 05.12.2022, is supplied to the learned counsel for the petitioner.

6. IOCL, being a public sector undertaking is cautioned not to associated in unauthorized and illegal activity as in the present case. It will also ensure that suitability/appropriateness of the location in question is examined and a decision, whether to continue in that location, is taken bearing note of all necessary regulations in this regard, including the guidelines of IRC.

7. With the above directions and as a consequence there of, this Writ petition is closed. No costs. Consequently connected miscellaneous petition is closed.

13.12.2022

mpl
Index : Yes/No
Speaking Order/Non speaking Order



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To

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