



WEB COPY



W.P.No. 27902 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2022

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.27902 of 2011

and

M.P. No.1 of 2011

M/s. M.L. Enterprises
Dealer - Hindustan Petroleum Corporation
Limited (R.O.)
Rep. by its Proprietor
P. Murugesan, S/o. Palanisamy
1176/2 Karur Highway Road
Senapathy Palayam, Vella Kovil
Tirupur District 638 111.

... Petitioner

vs

1. The Secretary to Government of India
Ministry of Petroleum and Natural Gas
Shastri Bhavan, New Delhi 110 001.
2. The Chairman
Indian Oil Corporation Limited
Indian Oil Bhavan
G-9 Ali Yuvar Jung Marg,
Bandhra (West), Mumbai.
3. The Chairman
Hindustan Petroleum Corporation Limited
17, Jamshedji Tata Road, Mumbai 400 020.



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4. The Chairman,
Bharat Petroleum Corporation Limited,
4,6 Currimbhoy Road, Ballard Estate,
Mumbai 400 001

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue an Order or Direction or Writ particularly in the nature of Writ of Mandamus directing M/s. Indian Oil Corporation, the 2nd respondent herein not to permit to open any new retail outlet at 1 km from petitioner's existing retail outlet situated at 1176/2 Karur Highway Road, Senapathy Palayam, Vella Kovil, Tirupur District 638 111, allotted by M/s.Hindustan Petroleum Corporation Limited, the 3rd respondent herein under SC/ST quota.

For Petitioner : Dr. R. Sampath Kumar

For Respondents : No appearance

ORDER

This Writ Petition was filed for the issue of Writ of Mandamus directing the 2nd respondent not to permit any new retail outlet within a distance of 1 kilometer from the petitioner's retail outlet.



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2. Heard Dr. R. Sampath Kumar, learned counsel appearing on behalf of the petitioner.

3. The issue involved in the present Writ Petition is squarely covered by an order passed in batch of Writ Petitions in W.P. No.1537 of 2011, etc., dated 14.12.2011. This Court considered the very same grievance that was expressed by the petitioners in those Writ Petitions and those Writ Petitions were disposed of by issuing certain directions. For proper appreciation, the directions issued by this Court is extracted hereunder:

"16. Therefore, the petitioners will be at liberty to approach the Principal Corporation, in which, they are dealers to address their grievances by producing their materials available with them to specify their case, within a period of four weeks from the date of receipt of a copy of this order. As and when, the petitioners make such representation, the same will have to be considered by the Principal-Corporation by taking into consideration of the entire materials available on record and appropriate orders will have to be passed



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thereafter. It is made clear that if any such representation is made till appropriate orders are passed, no coercive action will be taken against the petitioners by the Principal-Corporation."

4. This Writ Petition is also disposed of in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

12.07.2022

Internet : Yes / No

Index: Yes / No

Speaking order / Non speaking order

Bga

To

1. The Secretary to Government of India
Ministry of Petroleum and Natural Gas
Shastri Bhavan, New Delhi 110 001.

2. The Chairman
Indian Oil Corporation Limited
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N. ANAND VENKATESH, J.

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and
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