



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.22569 OF 2015

Mr.K.P.Chinnasamy

... Petitioner

Vs

1. The Chief Regional Manager,
Regional Office,
Hindustan Petroleum Corporation Ltd.,
18/3, Big Bazaar Street,
Coimbatore.

2. The Revenue Divisional Officer,
Attur,
Salem District.

3. K.Mary Gemma

4. Riya J.Berlin
(R3 & R4 are impleaded as per order
dated 14.08.2015 in M.P.No.1 of 2015
in W.P.No.22569 of 2015)

...Respondents

PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Chief Regional Manager, Regional Office, Hindustan Petroleum Corporation Ltd., Coimbatore, the 1st respondent herein to consider the representation of the petitioner dated 22.9.2014 made to the 1st respondent with a request to cancel the Lease Deed dated 10.1.2007 and also to cancel the licence granted to run the H.P.petrol / diesel bunk to the 3rd parties of the land in S.No.711/3, Karumanthurai Village, Chinnakalvarayanmalai, Vadakkunadu, Attur Taluk, Salem District in an extent of 30 cents and pass appropriate orders on merits and in accordance with law within the time frame fixed by this Honourable Court.



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For Petitioner : Mr.S.Srinivasan
For Respondents : Mr.Mohammed Fayaz Ali
[For R1]

M/s.N.Senthil selvi,
Government Advocate
[For R2]

Mr.R.Jayaprakash
[For R3 & R4]

O R D E R

The relief sought for in the present writ petition is to direct the Chief Regional Manager, Regional Office, Hindustan Petroleum Corporation Ltd., Coimbatore, the 1st respondent herein to consider the representation of the petitioner dated 22.9.2014 made to the 1st respondent with a request to cancel the Lease Deed dated 10.1.2007 and also to cancel the licence granted to run the H.P.petrol / diesel bunk to the 3rd parties of the land in S.No.711/3, Karumanthurai Village, Chinnakalvarayanmalai, Vadakkunadu, Attur Taluk, Salem District in an extent of 30 cents.

2. It is brought to the notice of this Court that the writ petitioner, Mr.K.P.Chinnasamy filed a Civil Suit in O.S.No.151 of 2010 and the suit was dismissed after conducting a full-fledged trial. The petitioner filed an Appeal Suit in A.S.No.76 of 2018 and the said appeal suit is pending. In view of the fact that the petitioner has already instituted a Civil suit, which was dismissed and the First Appeal filed by him is pending. All the issues are to be adjudicated before the First Appellate Court in the pending appeal suit. During the pendency of the Appeal Suit, writ Court need not issue any direction to the authorities to consider the representation by conducting a parallel enquiry, which is uncalled for.

3. Thus, the petitioner has to redress his grievances before the competent Court, wherein the Appeal Suit is pending.

4. In this view of the matter, no relief needs to be considered and consequently, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

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Sub Assistant Registrar



To

1. The Chief Regional Manager,
Regional Office,
Hindustan Petroleum Corporation Ltd.,
18/3, Big Bazaar Street,
Coimbatore.
2. The Revenue Divisional Officer,
Attur,
Salem District.

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.3163
+1cc to Mr.S.Srinivasan, Advocate, S.R.No.3129
+1cc to the Government Pleader, S.R.No.4010

W.P.No.22569 of 2015

SMI (CO)
PM/07/02/2022