



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.17885 OF 2020

AND

W.M.P.NO.22169 OF 2020

M/s.Ellappan & Shakila Agncies,
SKO Dealer,
Rep. by its Proprietriex,
N.Sakila, W/o.Mr.Natrayanasamy,
27-28, Nynar Nadar Street,
Mylapore, Chennai - 600 004.

... Petitioner

.Vs.

1. The Chief Regional Manager,
Hindustan Petroleum Corporation Ltd.,
(A Government of India Enterprise)
Registered Office 17,
Jamshedji Road,
Mumbai - 400 020.

2. The Deputy General Manager -Retail,
Hindustan Petroleum Corporation Ltd.,
Chennai Retail Regional Office,
Petro Bhavan, 2nd Floor,
82, TTK Road, Alwarpet,
Chennai - 600 018.

3. P.Jayapandhan

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent culminated in letter No.Code:CHRO/SS/RET dated 18.11.2020, quash the same and consequently directing the respondents 1 & 2 not to surrender the present SKO (Super Kerosene Oil) outlet of the petitioner without identifying the alternate site.



WEB COPY

For Petitioner : Mr.S.Gopinathan

For Respondents : Mr.Mohammed Reyaz Ali
For R1 & R2

M/s.A.Arokiadoss
For R3

O R D E R

The present petition has been filed seeking the relief of quashment of the impugned order 18.11.2020 passed by the 2nd respondent and a direction to the respondents 1 & 2 not to surrender the present SKO (Super Kerosene Oil) outlet of the petitioner without identifying the alternate site.

2. It is the case of the petitioner that a Kerosene dealership agreement was entered into between the petitioner firm and the 1st respondent herein, pursuant to which, the 1st respondent had allotted Super Kerosene Oil (SKO) outlet to the petitioner firm, for which the 1st respondent had already entered into a lease agreement with the 3rd respondent for a period of 20 years and the said agreement was expired on 30.11.2017. Due to which, the 3rd respondent had filed a suit in O.S.No.318 of 2018 and the same is pending. While being so, the 2nd respondent had issued a letter dated 06.01.2020 to the civil supply authorities to suspend the allotment of SKO to the petitioner's firm on the ground that the lease for the subject land had been expired. Though the 3rd respondent had renewed the lease agreement till 31.12.2022, the impugned order has come to be passed directing the petitioner to evict the subject land. Aggrieved by the same, the petitioner has come up with the present petition seeking the relief of quashment of the same.

3. Learned counsel for the petitioner submits that since the dealership agreement entered into between the petitioner and the 1st respondent is still in force, it is the 1st respondent who has to arrange for the alternative site for the petitioner to carryout his dealership business. Without, arranging for an alternative site, insisting the petitioner to vacate and surrender the site within the time frame fixed in the impugned order is not sustainable. Hence, the impugned order is liable to the quashed.

4. Learned Counsel for the respondents 1 & 2 fairly conceded that if the petitioner makes a fresh application requesting for alternative site for carrying out the dealership business, the same will be considered on merits and disposed of within a period of four weeks.



5. Heard the learned counsel on the either side and perused the materials available on record.

6. Upon perusal of the materials available on record and taking note of the submission made by the learned counsel for the respondents, this Court without going into the merits of the case, directs the petitioner to make a fresh application requesting for alternative site, before the 1st respondent herein within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the 1st respondent is directed to consider and dispose of the same in accordance with law within a period of four weeks thereafter.

7. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Chief Regional Manager,
Hindustan Petroleum Corporation Ltd.,
(A Government of India Enterprise)
Registered Office 17,
Jamshedji Road,
Mumbai - 400 020.
2. The Deputy General Manager -Retail,
Hindustan Petroleum Corporation Ltd.,
Chennai Retail Regional Office,
Petro Bhavan, 2nd Floor,
82, TTK Road, Alwarpet,
Chennai - 600 018.

+1cc to Mr.S.Gopinathan, Advocate, S.R.No.4510
+1cc to Mr.Mohammed Reyaz Ali, Advocate, S.R.No.4245

W.P.NO.17885 OF 2020

GPL(CO)
PBS/16/03/2022