



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.NO.15000 OF 2017

AND

W.M.P.NOS.16239 & 16240 OF 2017

M.Kumaravelu

.. Petitioner

Vs.

1. The General Manager,
Tamil Nadu State Office,
Indian Oil Corporation (Marketing Division),
134, Nungambakkam High Road,
Chennai - 600 034.
2. The Dealer Selection Committee,
Indian Oil Corporation Ltd (Marketing Division),
No.8/1079, Avinashi Road,
Coimbatore - 641 018.
3. Chief Divisional Retail Sales Manager,
Indian Oil Corporation Ltd.,
No.234, 1st Floor, NH-7,
Salem-Bangalore Bypass Road,
Kondalampatti, Salem - 636 010.
4. Paramasivam
5. Ravi

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records relating to the Letter of Intent in Ref.No.N/2015/IN001001/TN/000011/4104/00005, dated 28.12.2015, issued by the 3rd respondent in favour of the 5th respondent, quash the same and direct the respondents 1 to 3 herein to consider the representation of the petitioner dated 24.04.2017, before proceeding further pursuant to the issuance of Letter of Intent in Ref.No.N/2015/IN001001/TN/000011/4104/00005, dated 28.12.2015, issued by the 3rd respondent in favour of 5th respondent.



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For Petitioner : Mr.T.L.Thirumalaisamy
For Respondents 1 to 3 : Mr.Ravi
Standing Counsel
For Respondents 4 & 5 : Mr.S.Saravanan

O R D E R

This writ petition has been filed challenging the order passed by the third respondent issuing letter of intent in favour of the 5th respondent to run a petrol bunk.

2. The case of the petitioner is that, he is having 1/3 share in a property situated in Survey Nos.38/2 and 38/1B in Senthamangalam Village. The 4th and 5th respondents who are the co-sharers of the said property, without the permission of the petitioner, has applied for licence to the 2nd and 3rd respondent to run a petrol bunk in the above property. Even though the petitioner raised objections before the authorities against the grant of licence, now the third respondent has issued a letter of intent to the 5th respondent to locate the petrol bunk. Now, challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that, the petitioner has purchased 1/3 share from the original owner of the property, suppressing the same, the 4th and 5th respondents who are the other co-sharers of the property, applied for licence to run a petrol bunk. The 4th respondent also said to have leased out his share in favour of the 5th respondent. The petitioner has also filed a suit for partition claiming 1/3 share in the above property in O.S.No.202 of 2015 which is pending before the learned Additional District Court, Namakkal. Subsequently, he filed another suit in O.S.No.47 of 2016 on the file of the learned District Munsif, Namakkal for injunction restraining the respondent Oil Corporation from granting permission to the 4th and 5th respondent to run petrol bunk in the said property. However, when both the suits are pending, the third respondent hurriedly given letter of intent to the 5th respondent.

4. The learned counsel appearing for the 4th and 5th respondents would contend that 4th and the 5th respondents alone are the absolute owners of the property and the petitioner has no right whatsoever over the property. The person from whom the



petitioner bought the property does not have any title over the property. Based on an invalid sale deed, the petitioner is claiming right over the very same property. Though the suit filed by him is pending, no interim order was passed in the suit. In spite of that, now the petitioner has filed the present writ petition.

5. I have considered the rival submissions and also perused the records carefully.

6. The petitioner is claiming 1/3 share in the property, now a letter of intent was issued by the third respondent to the 5th respondent in respect of the above property. Admittedly, claiming 1/3 share, the petitioner has filed a suit for partition and the same is pending. In the event of suit is being decreed in his favour, then only he can prevent the other co-owners from running the petrol pump. That apart, the petitioner has already filed another suit against the Indian Oil Corporation seeking injunction restraining them from granting any licence to the 4th and 5th respondents to run the petrol bunk and that suit is also pending. As the petitioner has already approached the Civil Court and both the suits are pending, he cannot come forward to file the present writ petition challenging the letter of intent given to the 5th respondent. Considering the facts and circumstance, it is made clear that the impugned letter of intent given in favour of the 5th respondent will be subject to the result of the said suit.

7. In view of the above the writ petition is dismissed. Consequently, the connected miscellaneous petitions are also closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The General Manager,
Tamil Nadu State Office,
Indian Oil Corporation (Marketing Division),
134, Nungambakkam High Road,
Chennai - 600 034.



2. The Dealer Selection Committee,
Indian Oil Corporation Ltd (Marketing Division),
No.8/1079, Avinashi Road,
Coimbatore - 641 018.

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3. The Chief Divisional Retail Sales Manager,
Indian Oil Corporation Ltd.,
No.234, 1st Floor, NH-7,
Salem-Bangalore Bypass Road,
Kondalampatti, Salem - 636 010.

+1cc to M/s.S.Saravanan, Advocate, S.R.No.10492

+1cc to M/s.T.L.Thirumalaisamy, Advocate, S.R.No.10054

W.P.No.15000 of 2017 and
W.M.P.Nos.16239 & 16240 of 2017

GP(CO)
RLP(11/03/2022)