



W.P(MD)No.17129 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17129 of 2022

G.Chandrasekaran

... Petitioner

Vs.

1.The Deputy General Manager,
Hindustan Petroleum Corporation Limited,
Madurai Retail Regional Office,
First Floor,
B.S.N.L.C.M.T.S.Bhavan
70 Feet Road,
Ellis Nagar,
Madurai-16.

2.The Chief Depot Manager,
Hindustan Petroleum Corporation Limited,
Madurai IRD,
Kappalur,
Thirumangalam Taluk,
Madurai District-8.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the second respondent to issue proximity card for utilizing the tank truck bearing Registration No.TN59 BR 5812 on the basis of the representation dated 26.07.2022 submitted by the petitioner and consequently, allow to operate the tanker.



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For Petitioner : Mr.V.S.Karthik
Senior Counsel

For Respondents : Mr.M.Sridhar

ORDER

Heard the learned senior counsel appearing for the writ petitioner and the learned standing counsel appearing for HPCL.

2. With the consent of learned counsel on either side, the writ petition is taken up for disposal at the admission stage itself.

3. The petitioner had entered into transportation contract with HPCL. A copy of the agreement dated 14.09.2018 is enclosed in the typed set of papers. After unloading the petroleum products on 12.03.2022, the petitioner's truck met with a fatal accident leading to registration of Crime No.47 of 2022 on the file of the Kandamanur Taluk Police Station. It appears that the truck had deviated from the authorised route. That led to the issuance of notice dated 15.03.2022. The petitioner had already given a reply on 21.03.2022. The respondents had not permitted the petitioner to use the petition mentioned truck since the date of accident. That led to filing of this writ petition.

4. When the matter was taken up for hearing, the learned standing counsel submitted that deviation committed by the petitioner's driver had led to the present situation. At the same time, I cannot ignore the guideline that only if it has been established that there is repetitive unauthorised deviation from the



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specified route, punitive action can be taken. At the same time, since the petitioner has moved this Court seeking discretionary relief, I wanted to put the petitioner on terms.

5. The learned senior counsel after getting instructions submitted that henceforth the petitioner will ensure that all his trucks engaged in transportation of petroleum products of HPCL will scrupulously adhere to the authorised route and that there will not be deviation whatsoever.

6. Recording the said undertaking given by the writ petitioner, I direct the second respondent to issue proximity card for utilizing the petition mentioned truck.

7. The Writ Petition is allowed. No costs.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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