



W.P(MD)No.15218 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.12.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.15218 of 2015

M.Durairaj

... Petitioner

Vs.

1.The Chief Controller of Explosives,
Ministry of Commerce & Industry Petroleum
and Explosives Safety Organization (PESO),
5th Floor, A-Block, CGO Complex,
Seminary Hills, Nagpur,
Maharashtra State.

2.The Chief Executive Officer,
Indian Auto Gas Company Ltd.,
Auto LPG Bhavan,
3/38, Mount Poonamallee Road,
Ramapuram, Chennai-89.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated on 31.10.2013 and direct the 2nd respondent to refund the amount of the above business for the operator License Fee amount of 5,00,000/- (Five Lakhs Only) and the security deposit amount Rs. 5,000/- (Five Thousand only) with interest to the petitioner.



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W.P(MD)No.15218 of 2015

For Petitioner : Mr.C.Baskaran

For R1 : Mr.H.Velavadhas

For R2 : No Appearance

ORDER

The present writ petition has been filed for a Mandamus, directing the respondents to consider the representation of the petitioner, dated 31.10.2003 and refund a sum of Rs.5,00,000/- (Rupees Five Lakh only), which was paid towards operator license fee and another sum of Rs.5,000/- (Rupees Five Thousand only) which was paid as a security deposit fee.

2. According to the learned counsel for the petitioner, he had approached the respondents 1 and 2 herein for carrying the business as agency of retail outlet sale of Auto LPG. He has submitted his tender and the company has instructed him to pay security deposit of Rs.5,000/- (Rupees Five Thousand only), which was paid by him on 23.02.2012. The petitioner had paid a further sum of Rs.5,00,000/- (Rupees Five Lakh only) on 28.02.2012 as operator license fee. Thereafter, the respondents herein have directed the petitioner to get No Objection Certificate from the concerned fire officer for carrying out the business in



W.P(MD)No.15218 of 2015

the above said location. But the revenue authorities and the fire service authorities have refused to issue No Objection Certificate on the ground it is a Nanja land. Therefore, the petitioner could not proceed further with the contract.

3. The petitioner has addressed a communication to the 1st respondent herein on 31.10.2013 seeking refund of the operator license fee and the security deposit. The petitioner has sent a legal notice to the 2nd respondent herein on 17.12.2012 for refund of the operator license fee and the security deposit fee. Since there was no response from both the authorities, the present writ petition has been filed.

4. The learned standing counsel for the 1st respondent had contended that the amount has to be refunded only by the 2nd respondent and the 1st respondent has no role to play.

5. According to the learned counsel for the 1st respondent herein, the amount that is said to be recovered has not been paid to the 1st respondent herein and it has to be paid only by the 2nd respondent. Hence, the prayer as against the 1st respondent is not maintainable.



W.P(MD)No.15218 of 2015

6. The petitioner has addressed a legal notice to the 2nd respondent on 17.12.2012 and the same has not been considered by the 2nd respondent.

7. In view of the above said facts, the petitioner is directed to send fresh representation to the 2nd respondent herein within a period of four (4) weeks from the date of receipt of a copy of this order. In case such representation is sent, the 2nd respondent is directed to consider the same on merits and in accordance with law and pass orders within a period of twelve (12) weeks from the date of receipt of a copy of such representation.

8. With the above said observations, this writ petition stands disposed of. No costs.

02.12.2022

Index : Yes / No
Internet : Yes / No

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W.P(MD)No.15218 of 2015

R.VIJAYAKUMAR ,J.

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Order made in
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