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W.P.Nos.9441, 9444 & 9446 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.9441, 9444 & 9446 of 2023

K.Ponnusamy	...Petitioner in W.P.No.9441 of 2023
R.Ramkumar	...Petitioner in W.P.No.9444 of 2023
K.S.Selvaraju	...Petitioner in W.P.No.9446 of 2023

Vs.

1. Ministry of Petroleum and Natural Gas,
A Wing, Shastri Bhawan,
Dr.Rajendra Prasad Road,
Connaught Place, Delhi-110 001.
Rep. by its Secretary.
 2. The Regional Officer,
Hindustan Petroleum Corporation Limited,
No.18/3, HP House, Big Bazaar Street,
Ukkadam, Coimbatore.
- ...Respondents in all W.P's.

Common Prayer: Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to consider the representations of the petitioners dated 12.11.2022 and to award permanent dealership to the petitioners for the Petroleum outlet situated in the lands of the petitioners based upon policy decision taken by the Ministry of Petroleum and Indian Oil Corporation in Policy Circular No. 295/2-22 dated 02.02.2022.



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In all W.P's.:

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.A.R.L.Sundaresan, ASG, for R1
Assisted by Mr.M.Ramamoorthy, SPC
Mr.M.Vijayan, for
M/s.Kings & Patridge, for R2

COMMON ORDER

Since the issue involved in all these Writ petitions are similar in nature, they are disposed of by way of this common order.

2. These Writ petitions have been filed seeking direction to the respondents to consider the petitioners' representations dated 12.11.2022 and to consequently award permanent dealership to the petitioners for the Petroleum outlet situated in the lands of the respective petitioners based upon the policy decision taken by the Ministry of Petroleum and Indian Oil Corporation in Policy Circular No. 295/2-22 dated 02.02.2022.

3. Mr.R.Ramamoorthi, learned Senior Panel Counsel takes notice for the 1st respondent. Mr.M.Vijayan for M/s.King & Patridge, takes notice for



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the 2nd respondent. In view of the consent expressed by the learned counsel on either side, this petition is taken up for final disposal.

4. The case of the petitioners is that the petitioners have leased out their lands to the 2nd respondent, who in turn granted temporary dealership in favour of the petitioners for the purpose of running Petroleum Outlet under COCO Category in their respective lands and an agreement was entered between the respective petitioners and the 2nd respondent and further assured the petitioners that, they will be granted permanent dealership when the policy is changed. While so, the Ministry of Petroleum have taken a policy decision to grant permanent dealership under the land owners' category on certain condition based on which, the Indian Oil Corporation have issued a policy circular No.295/02-2022. Therefore, on the basis of the above said policy decision taken by Union of India, the petitioners made representation before the 2nd respondent, requesting to grant permanent dealership of the petroleum outlet situated in their respective lands. However, till date, no orders have been passed on the said representations. Hence, these Writ petitions.



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5. Though very many grounds have been raised, the learned counsel for the petitioners submitted that, it would suffice, if this Court issues direction to the 2nd respondent to consider the petitioners' respective representation and to consequently award permanent dealership to the petitioners for the Petroleum outlet situated in their respective lands, based upon the policy decision taken by the Ministry of Petroleum and Indian Oil Corporation in Policy Circular No. 295/2-22 dated 02.02.2022, as expeditiously as possible.

6. Learned Additional Solicitor General appearing for the 1st respondent submitted that, the policy decision relied upon by the petitioners is issued by the Indian Oil Corporation and the same is not applicable for Hindustan Petroleum Corporation Limited (in short 'HPCL'). He further submitted that, the HPCL has selected some other persons for running the Petroleum outlet in the lands leased out by the respective petitioners. Therefore, the representation made by the respective petitioners seeking to award permanent dealership in their favour cannot be acceded to. Further, any dealership will be granted only based on the notification and no permanent dealership will be issued in favour of the land owners and the



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petitioners herein entered into lease agreement with the 2nd respondent and based on which they are entitled to receive rent from the petroleum corporation. Hence, he prayed for dismissal of this Writ petition.

7. On the above said contentions, heard learned counsel appearing for the 2nd respondent and perused the materials available on record.

8. A perusal of the material documents placed on record reveals that, the petitioners entered into lease with the 2nd respondent in respect of their lands and the 2nd respondent selected some third parties to run the petroleum outlets in the said lands. While so, the petitioners made representations seeking to grant permanent dealership of the petroleum outlet situated in their respective lands in their favour, based on the Circular issued by the Indian Oil Corporation bearing Circular No.295/02-2022 dated 02.02.2022, However, as rightly pointed out by the Learned Additional Solicitor General, the circular relied upon by the petitioners was issued by the Indian Oil Corporation and the same cannot be applied for Hindustan Petroleum Corporation Limited. Further, no license was granted in favour of the



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petitioners for running the petroleum outlet and the licence was granted in favour of third parties based on the guidelines issued at the relevant point of time. Hence, the prayer sought for the petitioners cannot be acceded to.

9. For the reasons aforesaid, these Writ Petitions stands dismissed. No costs.

28.03.2023

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NCC : Yes / No
Speaking Order : Yes / No
Index : Yes / No

To

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Rep. by its Secretary.
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M.DHANDAPANI., J.

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