



W.A.No.470 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.470 of 2021

Bharat Petroleum Corporation Limited
Having its Office at
Tondiarpet Installation
No.35, Vaidyanathan Street
Tondiarpet
Chennai 600 081.

.. Appellant

Vs.

1. The Commissioner
Corporation of Chennai
Ripon Building, Chennai 600 003.
2. S.V.Madhuprasad
3. S.V.R.Saroja
4. S.V.R.Ramprasad
5. S.V.R.Vijaya
6. S.V.Renukadevi
7. Union of India
Rep. by its Secretary
Ministry of Petroleum and Natural Gas
Sastri Bhavan, New Delhi.



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8. R.S.P.Dhanumathi

.. Respondents

[R7 suo motu impleaded vide
order dated 14.07.2021 &
R8 impleaded vide order dated
06.11.2023 in C.M.P.No25386 of 2023]

Prayer: Appeal filed under Clause 15 of the Letters Patent against the
order dated 02.08.2019 made in W.P.No.23793 of 2009.

For the Appellant : Mr.Krishna Srinivasan
Senior Counsel
For M/s. Ramasubramaniam Asso

For the Respondents : Mr.A.S.Rahul Aditya
For M/s. P.T.Ramadevi
Standing Counsel
for Respondent-1

Mr.R.Natarajan
for Respondents 4 to 6

Mr.R.Subramanian
for Respondent-7

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.Krishna Srinivasan, learned Senior Counsel
for the appellant, Mr.A.S.Rahul Aditya, learned counsel for



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Ms.P.T.Ramadevi, learned Standing Counsel for the first respondent, Mr.R.Natarajan, learned counsel for the respondents 4 to 6 and Mr.R.Subramanian, learned counsel for the seventh respondent.

2. The appellant has assailed the notice issued under Section 379(A) of the Chennai City Municipal Corporation Act, 1919. Under the said notice, the appellant was directed to stop the trade within 24 hours of the said notice.

3. The said notice was challenged before the learned Single Judge by filing a writ petition bearing W.P.No.23793 of 2009. The learned Single Judge dismissed the writ petition. Aggrieved thereby, the present appeal.

4. The appellant is carrying on the business of storage and sale of petroleum products. The appellant possesses necessary license under Rule 116 of the Petroleum Rules, 2002. However, on the ground that the license under the provisions of Section 287 of



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the Act of 1919 has not been obtained by the appellant, the impugned notice was issued. The learned Single Judge, upon considering the fact that the appellant does not possess license under the provisions of Act of 1919 and also carries on the business of storage and sale of petroleum products, dismissed the writ petition.

5. During the pendency of the present appeal, it appears that the Tamil Nadu Urban Local Bodies Act, 1988 and was amended under the Act 35 of 2022. The same was brought into effect from 13.04.2023. Clause (1) of the Schedule I to the Tamil Nadu Local Bodies Rules, 2023 in respect of Rule 289 (1), (2) and (5) of the Rules, 2023 reads thus:

(1) Applicability:- This Schedule is applicable to any industry or factory or enterprise involved in the production of goods which is not licenced under the Factories Act, 1948 (Central Act LXIII of 1948), Industries (Development and Regulation) Act, 1951 (Central Act 65 of 1951), Arms Act, 1959 (Central Act 54 of 1959), Explosives Act,



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*1984 (Central Act IV of 1884) and Petroleum Act
XXX of 1934).*

6. Learned counsel for the first respondent fairly concedes that in view of the amended Tamil Nadu Urban Local Body Rules, 2023, the appellant would not require any license from the Municipal Corporation for carrying on the business of storage and sale of petroleum products, as the appellant has license under the Petroleum Act and Rules.

7. In view of the above, the impugned notice dated 13.11.2009 and the order of the learned Single Judge are set aside. The writ appeal is, accordingly, allowed. There will be no order as to costs. Consequently, C.M.P.No.1863 of 2021 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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2. The Secretary
Ministry of Petroleum and Natural Gas
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THE HON'BLE CHIEF JUSTICE
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