



WEB COPY



W.P.No.28896 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.28896 of 2022
and W.M.P.No.28187 of 2022

M/s.Sri Gowri & Co.,
Represented by its Partner,
M.K.Krishna Kumaar,
No.41, Railway Feeder Road,
Tiruppur-641 601

... Petitioner

Vs.

1.The Joint Chief Controller of Explosives
Petroleum & Explosives Safety Organisation
(PESO),
South Circle, Chennai,
A & D Wing, Block 1-8, 2nd Floor,
Shastri Bhavan, No.26, Haddows Road,
Nungambakkam, Chennai-600 006.

2.The Territory Manager (Retail),
Bharat Petroleum Corporation Limited,
Irugur TOP Installation,
Ravathur (PO), Irugur (Via),
Coimbatore-641 103.

... Respondents



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PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 1st respondent to suspend and cancel, under Rule Nos.152(1)(i) and (ii) of the Petroleum Rules, 2002, the Final Explosive Licence No.)/SC/TN/14/8634 (P465842) issued to the 2nd respondent for operating the Petroleum Retail Outlet at S.No.106 & 107/1 Parapalayam Village, Tiruppur South Taluk, Tiruppur District.

For Petitioners : Mr.V.B.R.Menon

For Respondents : Mr.S.Diwakar
Central Government Senior Panel Counsel
for R1

Mr.V.Anantha Natarajan for R2

ORDER

The petitioner is a partnership firm that has leased out a piece of immovable property to the 2nd respondent for 25 years to run its business. The lease period expired on 31.12.2022. The petitioner, therefore approached the 1st respondent to suspend the license granted to the 2nd respondent for doing business in petroleum products.

2.Learned counsel for the respondents informed the court that, as per the



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proceedings of the Government of India, Ministry of Commerce and Industry, Petroleum and Explosives Safety Organisation (PESO), dated 14.07.2023, the license granted to the 2nd respondent has been suspended.

3.In reply, the learned counsel for the petitioner submitted that, under Section 152 of the Petroleum Rules, 2002, a granted license shall be cancelled if the licensee no longer has any right to the site for storing petroleum. In the present case, even though the lease period has already expired on 31.12.2022, the 2nd respondent has not handed over possession of the site to the petitioner.

4.Heard the learned counsel on both sides.

5.Now, in the context of the grievance expressed by the petitioner and the issue raised in this petition, the 1st respondent is required to make a decision on the petitioner's representation dated 19.10.2022 within a period of eight (8) weeks from the date of receipt of an online copy or the date on which the order is hosted in the official website, whichever is earlier, after hearing all



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those who are likely to be affected by the order to be passed. It is, however, made clear that even if the license issued to the 2nd respondent to deal with petroleum products is cancelled, the petitioner is still required to work out his remedies for the recovery of possession of the site through due process of law.

6.This Writ Petition stands disposed of with the above direction. No Costs. Consequently, the connected miscellaneous petition is closed.

18.07.2023

Anu

Index : Yes / No

Neutral citation : yes/no

To

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Petroleum & Explosives Safety Organisation
(PESO),
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4/6



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N.SESHASAYEE, J.



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