



WEB COPY



W.P.No.22134 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.22134 of 2021

and

W.M.P.No.23362 of 2021

1.V.R.Varatharaj

2.V.Venkatakrishna

...Petitioners

-Vs-

1.The Joint Chief Controller of Explosives,
The Petroleum and Explosives Safety Organization,
A & D Wing, Block 1-8,
IInd Floor, Shastri Bhavan,
No.26, Haddows Road,
Nungambakkam,
Chennai – 600 006

2.The Commissioner of Police,
Coimbatore City,
Coimbatore

3.M/s.Hindustan Petroleum Corporation Limited,
Represented by its Deputy General Manager,
No.18/3, Big Bazar Street,
Coimbatore -1

4.G.Chandravadhanam

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Proprietor,
M/s.Kovai Fuel Point,
S.F.No.160 Part, P.N.Palayam,
Avarampalayam,
Coimbatore – 641 006

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to orders passed by the 2nd respondent vide Rc.No.V2/35137/2020 dated 22.05.2021 quash the same and consequently cancel the No-objection certificate granted u/r.144 of Petroleum Rules, 2002 in favour of the 3rd respondent vide proceedings vide Na.Ka.No.V2/42717/2003 dated 07.11.2003.

For petitioners : Mr.Niranjan Rajagopalan

For Respondent 1 : Dr.G.Babu
Central Government Standing Counsel

For Respondent 2 : Mr.T.Chandrasekar
Special Government Pleader

For Respondent 3 : Mr.M.Vijayan
for M/s.King & Partridge



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ORDER

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This writ petition has been filed challenging the orders passed by the 2nd respondent vide Rc.No.V2/35137/2020 dated 22.05.2021 quash the same and consequently cancel the No-objection certificate granted u/r.144 of Petroleum Rules, 2002 in favour of the 3rd respondent vide proceedings vide Na.Ka.No.V2/42717/2003 dated 07.11.2003.

2. On perusal of the counter affidavit filed by the 2nd respondent revealed that a show cause notice was issued to the 3rd respondent on 17.03.2021. In reply to the show cause notice, the 3rd respondent has justified that it has not ceased to have the right of using the site for storing petroleum apart from explaining the history and details of Civil Suit which is sub judice in competent Civil Court in O.S.No.121 of 2021 and O.S.No.308 of 2021. No objection certificate granted under Rule 144 of Petroleum Rules 2002 shall be liable to be cancelled as per Rule 150 therein, if the District Authority or the State Government is satisfied that the licensee has ceased to have any right to use the site for storing the petroleum. Further, from the reply to show cause notice submitted by the 3rd respondent, it



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could be seen that there were Civil Suits pending between the parties.

Further, it is respectfully submitted that the license bearing No.P/SC/TN/14/2428(P53092) issued by the PESO to run the disputed bunk seems to be valid till 31.12.2022 and the same have been suspended by PESO on 12.02.2021 till 13.05.2021 and have been extended by a further order of PESO on 31.05.2020 till 29.08.2021 only as an interim measure and it is not cancelled by the PESO.

3. It is made clear that even after expiry of license i.e., 31.12.2022 if the 3rd and 4th respondents are run the petroleum Retail outlet, the first and second respondents are directed to take appropriate action as against the 3rd and 4th respondents in accordance with law.



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4. Recording the said submission, this writ petition is closed.

Consequently, connected miscellaneous petition is closed. No costs.

24.04.2024
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Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
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To

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G.K.ILANTHIRAIYAN,J.



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