



W.P.No.23436 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.23436 of 2024

M/s.Indian Oil Corporation Limited,
rep. by its Divisional Manager (Retail),
Chennai Division Office,
No.500, Anna Salai, Teynampet,
Chennai-600 018.

.. Petitioner

Vs

1.State Government of Tamil Nadu,
rep. by Secretary,
Highways Department,
Fort St. George, Secretariat,
Chennai-600 009.

2.The Division Engineer (Highways),
Construction & Maintenance,
Chennai City Road Division,
Chennai-600 015.

3.The Assistant Division Engineer (Highways),
Construction & Maintenance,
Chennai City Roads Sub Division,
Chennai-600 015.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for records pertaining to the order passed by the third respondent dated 5.8.2024 bearing No. Lr.NO.286/2010/Asst/Dated 5.8.2024 and quash the same.

For the Petitioner : Mr.AR.L.Sundaresan
Senior Counsel
for M/s.V.Anantha Natarajan

For the Respondents : Mr.T.K.Saravanan
Government Advocate

ORDER

(Order of the Court was made
by the Hon'ble Acting Chief Justice)

Assailing the order of the third respondent dated 5.8.2024 calling upon the petitioner to stop supply of petrol and diesel to the filling station of Shenbagavalli, the petitioner has filed the present writ petition.

2. Learned Senior Counsel for the petitioner submitted that the petitioner selected one Shenbagavalli as a dealer for stocking and selling/dispensing the petroleum products with effect from 30.11.2006 and an agreement for dispensing pump and selling



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licence has been entered into between the petitioner and the dealer.

As per the policy of the petitioner, the dealer has to provide the land for constructing the retail outlet and, accordingly, a lease deed pertaining to the land situated in Korattur and owned by Shenbagavalli was registered for a period of 30 years commencing from 21.1.2004 ending with 20.1.2034 and the said lease is still in force.

3. Learned Senior Counsel for the petitioner would submit that the petitioner through its dealer is peacefully running the petroleum outlet and operating the outlet for the past 20 years in the premises after spending several lakhs of rupees. On 30.10.2023, a notice of eviction was issued by the respondent authority in the name of lessor. Challenging the same, the dealer has filed W.P.No.33959 of 2023 before this Court and the said writ petition was disposed of by this Court on 18.12.2023. Pursuant to the order passed in W.P.No.33959 of 2023, the petitioner has submitted a detailed reply seeking personal hearing. However, the third respondent, without adhering to the order of this Court, passed an order. Aggrieved by the said order, the petitioner has filed W.P.No.6337 of 2024 and, by



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the order dated 5.7.2024, the said writ petition came to be disposed of with certain direction to the respondents therein. However, without adherence to the order passed by this Court, the impugned order came to be issued by the third respondent.

4. According to learned Senior Counsel for the petitioner, the issuance of impugned order by the third respondent is total non-application of mind and, in fact, it has been issued in an arbitrary manner violating the principles of natural justice. The third respondent is bound to consider the reply given by the petitioner in accordance with the order passed by this Court in W.P.No.6337 of 2023 etc. batch. Since the order of this Court was not carried out in accordance with law and the procedure adopted by the third respondent is violative of Article 14 of the Constitution of India, learned counsel for the petitioner prayed for setting aside the impugned order.

5. On the other hand, learned Government Advocate appearing for the respondents submitted that after considering the reply of the dealer, an order has been passed by the third respondent to evict the



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dealer from the Highways land and the impugned order is consequential to the said order and, therefore, there is no arbitrariness in it.

6. We have considered the rival submissions and also perused the materials available on record.

7. It is apposite to mention that in the earlier writ petitions, being W.P.Nos.6337, 6399, 9094 and 12126 of 2024, initiated by the petitioner/Indian Oil Corporation Limited, dealer and the adjoining land owners, a Division Bench of this Court, while quashing the orders impugned therein, directed the Assistant Divisional Engineer, Highways, Chennai to construe the earlier proceedings dated 30.10.2023 as show cause notice and to consider the replies of the petitioners therein and pass a fresh order.

8. It is the submission of learned Senior Counsel for the petitioner that as against the cancellation of patta issued in favour of the petitioner in respect of the land in question, a revision petition has been preferred before the District Revenue Officer by the



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dealer/land owner and the same is still pending.

9. In W.P.No.23449 of 2024 filed by the dealer Shanbagavalli, we have directed the District Revenue Officer, Chennai District to consider and dispose of the revision petition within a stipulated time and depending upon the order to be passed in the revision petition, the fourth respondent therein was directed to pass fresh order thereafter.

10. Since the order of eviction order dated 5.8.2024 issued against the dealer Shanbagavalli is set aside by this Court in W.P.No.23449 of 2024 and the matter is remitted to the said authority to pass a fresh order depending upon the order to be passed by the District Revenue Officer in the revision petition, we have no hesitation in setting aside the order impugned in the present petition, as the same would have a direct nexus on the order to be passed by the District Revenue Officer, Chennai District and the Assistant Divisional Engineer (H), Construction and Maintenance, Chennai City Road Sub Division, Chennai respectively.



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11. In view of the above, we pass the following orders:

- (i) The impugned order dated 5.8.2024 issued by the third respondent is set aside.
- (ii) The matter is remitted to the third respondent and the third respondent shall pass fresh orders depending upon the order to be passed by the District Revenue Officer, Chennai District in the revision petition filed by the dealer Shanbagavalli.
- (iii) Till such time, the order of the third respondent dated 5.8.2024 shall be kept in abeyance.

12. With the above observations and directions, the writ petition is disposed of. There shall be no order as to costs. Consequently, W.M.P.No.25606 of 2024 is closed.

(D.K.K., ACJ.) (P.B.B, J.)
13.08.2024

Index : Yes/No
NC : Yes/No
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To:

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- 1.The Secretary,
State Government of Tamil Nadu,
Highways Department,
Fort St. George, Secretariat,
Chennai-600 009.
- 2.The Division Engineer (Highways),
Construction & Maintenance,
Chennai City Road Division,
Chennai-600 015.
- 3.The Assistant Division Engineer (Highways),
Construction & Maintenance,
Chennai City Roads Sub Division,
Chennai-600 015.



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THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

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