

(2010) 11 MAD CK 0385

In the Madras High Court

Case No : Writ Petition No. 11966 of 2010 and M.P. (MD) . No. 1 of 2010

V. Tamarasari

APPELLANT

Vs

M/s. Hindustan Petroleum Corporation Limited

RESPONDENT

Date of Decision : 09-11-2010

Acts Referred:

Citation : (2010) 11 MAD CK 0385

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : C. Mayil Vahana Rajendran, for the Appellant; M. Sridhar, for the Respondent

Judgement

M. Jaichandren

1. The main contention of the learned counsel appearing on behalf of the petitioner is that the respondent Corporation had called for applications to establish a petroleum outlet at Malli Puthur on the State Highway SH42. However, it is found that Malli Puthur is, in fact, 4 k.ms. away from the State Highway SH42. It has also been stated that if the respondent Corporation is permitted to establish a petroleum outlet at Malli Puthur, it would adversely affect the business of the petitioner, who is having an Indian Oil Corporation outlet at Malli. However, the learned counsel appearing on behalf of the petitioner has not been in a position to show any rule or regulation preventing the respondent Corporation from establishing a petroleum outlet, within the specified distance from an already existing outlet.

2. Per contra, the learned counsel appearing on behalf of the respondents had submitted that there is no rule or regulation prohibiting the establishment of the petroleum outlet by the respondent Corporation, as claimed by the petitioner. He had relied on the following decisions to state that a rival trader cannot maintain a writ petition, to prohibit the establishment of other petroleum outlets.

(i) The Nagar Rice and Flour Mills and Others Vs. N. Teekappa Gowda and Bros.

and Others,

(ii Union of India (UOI) Vs. Allied International Products Ltd. and Another,

(iii Mithilesh Garg, Vs. Union of India and others etc. etc.,

In view of the submissions made by the learned counsels appearing on behalf of the petitioner, as well as the respondents and in view of the decisions cited by the learned counsel appearing on behalf of the respondents, this Court does not find sufficient cause or reason to grant the relief, as prayed for by the petitioner, in the present writ petition. The petitioner has not been in a position to show as to how the establishment of an outlet at Malli Puthur on State Highway SH42 is prohibited by a rule or regulation. Further, she has not been in a position to show that the establishment of a retail petroleum outlet at Malli Puthur would be contrary to law or to public policy. As such, the writ petition is devoid of merits and therefore, it is liable to be dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.