



WMP(MD) No.13159 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Special Original Jurisdiction)

Monday, the Fourteenth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

WMP(MD) No.13159 of 2023

IN

WP(MD) No.25678 of 2022

1 THE GENERAL MANAGER (LPG)
TAMIL NADU STATE OFFICE,
INDIAN OIL CORPORATION LTD,
MARKETING DIVISION, SOUTHERN REGION,
INDIAN OIL BHAVAN,
39, MAHATMA GANDHI ROAD,
(NUNGAMBAKKAM HIGH ROAD),
CHENNAI - 34.

2 THE EXECUTIVE DIRECTOR AND STATE HEAD,
TAMIL NADU STATE OFFICE,
INDIAN OIL CORPORATION LTD,
MARKETING DIVISION, SOUTHERN REGION,
INDIAN OIL BHAVAN,
39, MAHATMA GANDHI ROAD,
(NUNGAMBAKKAM HIGH ROAD),
CHENNAI - 34.

3 THE CHIEF AREA MANAGER
INDIAN OIL CORPORATION LTD,
MARKETING DIVISION, INDANE AREA OFFICE,
TRIVENI, IIND FLOOR,
B.35 SASTRI ROAD, THILLAI NAGAR,
TRICHY-18

4 THE DIVISIONAL LPG SALES HEAD (TRICHY IDO),
INDIAN OIL CORPORATION LTD,
B-35, SHASTRI ROAD, THILLAI NAGAR,
TRICHY-620 018.

... PETITIONERS/RESPONDENTS 1 TO 4



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Vs

JANARTHANARAM.P

... RESPONDENT/WRIT PETITIONER

Writ Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order of direction, directing the respondent / petitioner to hand over all filled and empty LPG cylinder from the Godown of M/s.Sri Diagi Gas Links at SIDCO Industrial Estate, Thirubuvanam, Thanjavur District - 621103 to the petitioner / 3rd respondent or alternatively pass suitable direction to petitioner / 3rd respondent to take possession of the cylinders as mentioned above by following all safety measure.

Prayer in WP(MD). 25678/ 2022 :

To issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the 2nd respondent in proceedings Ref. TNSO / LPG S / TRY IDO / Sri Diagi dated 09.09.2022 and quash the same and consequently directing the respondent to reconstitute the petitioners distributionship as per the reconstruction policy 2022.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.K.MURALEEDHARAN, Advocate for the petitioners and of MR.S.RAM SUNDAR VIJAYARAJ, Advocate on behalf of the Respondent, the court made the following order:-

The General Manager, Indian Oil Corporation Ltd, Marketing Division, Southern Region, Chennai has granted LPG Distributorship to one Diagi P.Chellammal under the Freedom Fighters Allotment Scheme. When the said Chellammal was about 90 years old, she has permitted her son, who is none other than the petitioner's father, namely Ponraj @ V.Raju Chettiyar as a share holder and based on the request of the original allottee/Chellammal, the allotment was



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reconstituted with 51% to the petitioner's father/V.Ponraj and the remaining 49% to the original allottee/Chellammal. Subsequently, the said Chellammal died and therefore, the remaining legal heirs of Chellammal have claimed title for the remaining 49%. Hence, it was once again re-constituted. Now, the major share holder Ponraj died and the partners have to submit the reconstitution proposal within a period of six months as per the re-constitution guidelines. However, the petitioner and other legal heirs have not submitted the re-constitution proposal, even though the respondent has provided sufficient opportunity. Therefore, the first respondent terminated the distributorship on 09.09.2022 and the same is under challenge in this writ petition.

2.The first respondent has filed WMP(MD) No.13159 of 2023, seeking for an interim direction directing the petitioner to hand over all the filled and unfilled LPG cylinders from the godown of M/s.Sri Diagi Gas Links.

3.The learned counsel appearing for the first respondent submits that the Distributorship to the petitioner has been terminated by order dated 29.12.2021. However at the time of termination, the dealer was having 508 filled cylinders and 504 empty cylinders at their Godown. The apprehension of the first respondent is that the Godown is under lock for more than one year and if the cylinders are kept in a closed premises, it is dangerous and it may lead to an accident.



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4. Considering the submissions made by the learned counsel for the fifth respondent, this Court has also provided an opportunity to the petitioner to come forward with a proposal to reconstitute the partnership within a reasonable time. However, the learned counsel appearing for the petitioner seeks some more time to arrive at a settlement.

5. Taking into consideration of the present day situation that the filled and unfilled cylinders are kept in a closed premises for more than a year and also considering that the distributorship of the petitioner has already been terminated, this Miscellaneous Petition is ordered. The petitioner is directed to return the filled and unfilled cylinders kept in their Godown, along with all other equipment to the first respondent within a period of two weeks from the date of receipt of a copy of this order and the same shall be acknowledged by the first respondent. The petitioner has to work out his remedy in the main writ petition.

Post the main writ petition in the regular course.

sd/-
14/08/2023

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/08/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vrn



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TO

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ORDER IN
WMP(MD) No.13159 of 2023
IN WP(MD) No.25678 of 2022
Date :14/08/2023

RS/BUC/SAR-(22.08.2023) 5P 5C
Madurai Bench of Madras High Court is issuing
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