

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WA.No. 759 of 2015 () IN WP(C).1424/2015

AGAINST THE JUDGMENT IN WP(C)NO. 1424/2015 of HIGH COURT
OF KERALA.

APPELLANT(S)/PETITIONER:

M/S. K.C.OOMMEN & SON,
REPRESENTED BY M.C. JOSEN,
MANAGING PARTNER,
IOC DEALER,
TIRUVALLA-689 101,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.S.ABDUL RAZZAK

RESPONDENT(S)/RESPONDENTS:

1. INDIAN OIL CORPORATION LTD.,
REPRESENTED BY DIVISIONAL RETAIL SALES MANAGER,
TRIVANDRUM DIVISIONAL OFFICE,
GROUND FLOOR, PREMIER PARK, INCHAKKAL BYEPASS,
VALLAKADAVU P.O.,
TRIVANDRUM-695 008.
2. CHIEF DIVISIONAL RETAIL SALES MANAGER,
INDIAN OIL CORPORATION LTD.,
TRIVANDRUM DIVISIONAL OFFICE,
GROUND FLOOR, PREMIER PARK, INCHAKKAL BYEPASS,
VALLAKADAVU P.O.,
TRIVANDRUM-695 008.

R1-R2 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**THOTTATHIL B. RADHAKRISHNAN &
K. HARILAL, JJ.**

**W.A. No.759 of 2015
and
I.A.No.475 of 2015**

Dated this the 31st day of March, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

The writ petitioner is the appellant. We have heard the learned senior counsel for the appellant.

2. The writ petition was filed seeking interference with the show cause notice issued by the Indian Oil Corporation. The matter relates to action against a dealer. The learned single Judge, through paragraph-5 of the impugned judgment, required the Indian Oil Corporation to consider the case with proper application of mind.

3. The materials produced along with I.A.No.475 of 2015 clearly shows that a decision has been taken. The questions as to whether that decision is on a fair and

reasonable application of mind and whether that is sustainable, cannot be adjudicated in this writ appeal, notwithstanding the argument advanced on behalf of the appellant that the resultant Ext.P12 is issued, infracting the directions contained in the judgment impugned.

4. For the aforesaid reasons, we do not see any merit to admit this writ appeal. It deserves to be dismissed preserving the right of the appellant to challenge the subsequent decision taken by the Indian Oil Corporation, in the event of the petitioner being aggrieved by it. Hence without prejudice to that, this writ appeal is only to be dismissed.

In the result, this writ appeal and I.A. are dismissed in limine subject to what is preserved above.

Sd/-
(**THOTTATHIL B. RADHAKRISHNAN, JUDGE**)

Sd/-
(**K. HARILAL, JUDGE**)

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P.S. to Judge