

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 5877 of 2015 (H)

PETITIONER:

**M/S.FANAR GAS AGENCY, AREACODE,
REPRESENTED BY ITS PROPRIETOR, MR.ABDUL SALAM P.P.,
AGED 48 YEARS, S/O. MOHAMMED BASHEER P.P.,
THENGAMANNIL HOUSE,
KUTTOOLI VALILLAPUZHA P.O., AREACODE,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.SHIBILI NAHA
SRI.SAJU RAGHAVAN**

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR, MALAPPURAM.**
- 2. TALUK SUPPLY OFFICER,
ERNAD TALUK, MALAPPURAM.**
- 3. THE DISTRICT SUPPLY OFFICER,
ERNAD TALUK OFFICE, MALAPPURAM.**
- 4. HINDUSTAN PETROLEUM CORPORATION LIMITED,
THROUGH ITS SENIOR GENERAL MANAGER,
LPG REGIONAL OFFICE, SECOND FLOOR,
D & O QUARTERS BUILDING, CHILIMBI URVA STORESX,
MANGALORE-575 086.**
- 5. SALES OFFICER,
HINDUSTAN PETROLEUM CORPORATION LTD.,
LPG REGIONAL OFFICE, SECOND FLOOR,
D & O QUARTERS BUILDING, CHILIMBI URVA STORESX,
MANGALORE-575 086.**

**R1 TO R3 BY SR GOVERNMENT PLEADER SRI.JOSEPH GEORGE
R4 & R5 BY ADV.SRI.M.GOPIKRISHNAN NAMBIAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1- TRUE COPY OF THE INSPECTION REPORT DATED 2-12-2014 BY 3RD RESPONDENT AND PARTY.
- EXHIBIT P2- TRUE COPY OF REFILL RECEIPT PERTAINING TO CONSUMER NO. 608583 ALONG WITH THE ACKNOWLEDGEMENT EVIDENCING DELIVERY OF CYLINDERS ON 1-12-14.
- EXHIBIT P3- TRUE COPY OF THE REFILL RECEIPT PERTAINING TO CONSUMER NO. 616086 EVIDENCING DELIVERY OF CYLINDERS ON 1-12-2014.
- EXHIBIT P4- TRUE COPY OF THE NEWS ITEM APPEARED IN MALAYALA MANORAMA DAILY DATED 17-2-15.
- EXHIBIT P5- TRUE COPY OF THE NEWS PAPER REPORT DATED 17-2-15 THAT APPEARED IN MADHYAMAM DAILY.
- EXHIBIT P6- TRUE COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT DATED 2-2-2015.
- EXHIBIT P7- TRUE COPY OF THE NEWSPAPER REPORT DATED 11/3/2015.
- EXHIBIT P8- TRUE COPY OF THE COMMUNICATION ISSUED BY THE PETITIONER TO RESPONDENTS 4 AND 5 DATED 12/3/15.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P(C). No. 5877 of 2015

Dated this the 1st day of April, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- "i) Issue a writ of certiorari or any other appropriate writ or order calling for the original of Ext. P6 and quash the same.*
- ii) Issue any writ order or direction commanding the respondents 1,2 and 5 to refrain from acting in furtherance of Ext.P6 until such time this Hon'ble Court deems fit.*
- lii) Issue any other appropriate writ order or direction to respondents 1 and 4 to issue notice to the petitioner enabling him to offer explanation to the alleged irregularities in accordance with law.*
- iv) Declare that Ext.P6 is issued without jurisdiction and that the same is bad for non-application of mind and is violative of Article 14, 19(1)(g) and Article 21 of the Constitution of India.*
- v) Grant such other reliefs including the cost of theses proceedings."*

2. Heard the learned counsel for the petitioner, learned

standing counsel for the respondent 4 & 5 and the learned Government Pleader appearing for the respondents 1 to 3.

3. During the course of hearing it is brought to the notice of this Court by the learned counsel for the petitioner that, Ext.P6 order has been passed by the District Collector without any regard to the Rule of law, particularly, in violation of the fundamental of principles of natural justice, in so far as no opportunity of hearing was even given to the petitioner at any point of time.

4. The learned Government Pleader points out that, the said order was passed based on an inspection conducted at the premises. The learned standing counsel for the respondent Company submits that, in view of the incriminating circumstances, appropriate arrangements have been made, so as to shift the customers to have them attached to other dealership, so that no adverse hardships are resulted to the customers.

5. In the above circumstances, this Court finds that the matter requires to be considered by the 1st respondent/District Collector. Accordingly, there will be a direction to the 1st respondent/District Collector to consider the matter, after giving

an opportunity of hearing to the petitioner and also to the respondent Company. It shall be done, at the earliest, at any rate, within 'one month' from the date of receipt of a copy of the judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 1st respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

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