

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

WP(C).No. 9731 of 2015 (N)

PETITIONER(S) :

**M.I.NAVAS KHAN, AGED 50 YEARS,
S/O.MOHAMMED IBRAHIM, THE PROPRIETOR,
M/S.ELECTRIC & MOTOR WORKS, N.H.BYE-PASS ROAD,
AYATHIL P.O., KOLLAM - 17.**

**BY ADVS.SRI.K.R.VINOD
MS.JENCY SUSAN JOSE
SRI.V.SRI NATH**

RESPONDENT(S) :

- 1. M/S.HINDUSTAN PETROLEUM CORPORATION LTD.,
HAVING ITS REGIONAL OFFICE AT P.B.NO.1601,
ERNAKULAM NORTH, KOCHI - 682 018,
REP. BY ITS SENIOR REGIONAL MANAGER.**
- 2. THE AREA SALES MANAGER, KOLLAM,
HINDUSTAN PETROLEUM CORPORATION LTD.,
P.B.NO.1601, ERNAKULAM NORTH P.O., KOCHI -682 018.**
- 3. T.S.SUBRAMANIAN, AGED 60 YEARS,
S/O.T.S.SREENIVASAN, 'SUDARSHANAM',
ANANDAVALLEESHWARAM, KAIKULANGARA NORTH, KOLLAM- 690 520.**
- 4. YASHRAF, AGED ABOUT 45 YEARS,
S/O.M.YOUNUS KUTTY, SAFA HOUSE, CHAKKUVALLY,
SOORANAD, KOLLAM- 690 522.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1:** THE RELEVANT EXTRACT COPY OF THE MEMORANDUM OF DEALERSHIP AGREEMENT BETWEEN THE PETITIONER, 3RD RESPONDENT AND 1ST RESPONDENT.
- EXT.P2:** THE COPY OF THE LEASE AGREEMENT EXECUTED BETWEEN THE PETITIONER AND THE 3RD RESPONDENT DATED 17.06.2000.
- EXT.P3:** THE COPY OF THE SAID SHOW CAUSE NOTICE DATED 23.08.2013 ISSUED BY THE 2ND RESPONDENT.
- EXT.P4:** THE COPY OF THE REPLY TO THE SHOW CAUSE NOTICE ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT.
- EXT.P5:** THE COPY OF THE DISCHARGE SUMMARY OF THE WIFE OF THE PETITIONER ISSUED BY THE ONCOLOGY DEPARTMENT OF KERALA INSTITUTE OF MEDICAL SCIENCE (KIMS), THIRUVANANTHAPURAM.
- EXT.P6:** THE COPY OF THE PASSPORT DETAILS OF THE PETITIONER SHOWING THAT HE WAS ABROAD FROM 30.12.2014 TO 09.03.2015.
- EXT.P7:** THE COPY OF THE TERMINATION NOTICE ISSUED BY THE 1ST RESPONDENT DATED 05.03.2015.
- EXT.P8:** THE PHOTOGRAPH SHOWING THE HIGH HANDED ACT OF THE 1ST RESPONDENT IN BREAKING OPEN THE OUTLET AND ITS OFFICE.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.9731 of 2015

Dated this the 10th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

(i) Issue a writ of mandamus directing the 1st respondent to hand over the landed property having the extent of 55 cents in Sy. Nos.409/47, 409/49, 409/3 of Vadakekvila Village, Kollam Taluk, after removing the 4th respondent from the said property, forthwith.

(ii) Issue a writ of Mandamus to recall and re-consider Exhibit P7 termination notice and issue a fresh proceedings after giving reasonable opportunity to the petitioner to be heard before passing appropriate orders regarding the termination of the dealership of the petitioners.

(iii) To issue any other writ or direction appropriate in the circumstances of this case."

2. The factual position sought to be highlighted in the writ petition is sought to be rebutted by the learned counsel appearing for the respondent Petroleum Marketing Company as well.

3. The learned counsel for the petitioner submits that the grievance of the petitioner has already been projected by way of

Ext.P9 and the prayer is to cause the same to be considered and disposed of within a reasonable time, after affording an opportunity of hearing.

4. After hearing both the sides, there will be a direction to the 1st respondent is directed to consider Ext.P9 and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to the petitioner, at the earliest, at any rate, within 'one month' from the date of receipt of a copy of this judgment.

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

The writ petition is disposed of.

Sd/-

**P.R. RAMACHANDRA MENON,
JUDGE**

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