

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C).No. 16526 of 2015 (M)

PETITIONER :

**JOMY DEVASSY
AGED 34 YEARS, S/O.DEVASSY,
MANJOORAN HOUSE, ERUMATHALA P.O.
ALUVA.**

**BY ADVS.SRI.A.X.VARGHESE
SRI.A.V.JOJO**

RESPONDENT(S) :

- 1. INDIAN OIL CORPORATION LTD.,
REPRESENTED BY ITS REGIONAL MANAGER,
IRUMBANAM P.O, THRIPUNITHURA- 682 309.**
- 2. THE DISTRICT COLLECTOR,
ERNAKULAM - 682 030.**
- 3. THE SUPERINTENDENT OF POLICE,
RURAL ALUVA- 683 101.**
- 4. BOBAN JOSEPH,
MALIYEKKAL HOUSE, ERUMATHALA P.O.,
CHUNANGAMVELI, ALUVA - 683 112.**

**R1 BY STANDING COUSEL SRI. C.S. DIAS
BY ADVS. SRI.P.GOPAKUMARAN NAIR
SRI.M.GOPIKRISHNAN NAMBIAR
R2 & R3 BY GOVT. PLEADER SRI. BIJU MEENATTOOR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

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APPENDIX

PETITIONERS' EXHIBITS :

EXT. P1: TRUE COPY OF THE COMPLAINT DATED 2/5/2015.

EXT. P2: TRUE COPY OF THE LEGAL NOTICE DATED 5/5/2015.

EXT. P3: TRUE COPY OF THE COMPLAINT DATED 23/5/2015.

**EXT.P4: PHOTOGRAPHS SHOWING THE RETAIL OUTLET OF THE 4TH
RESPONDENT.**

EXT.P5: COPY OF THE COMPLAINT DATED 27/6/2015.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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K. VINOD CHANDRAN, J.

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Dated this the 13th day of July, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that the 4th respondent is not permitting the petitioner's stage carriage to fill fuel in his petrol pump. The 4th respondent admittedly is a dealer of the 1st respondent and hence enjoined with public duty and has to be directed to provide such facility to the petitioner also, is the contention raised.

2. The petitioner had filed a complaint before the District Collector, Ernakulam at Ext.P3, which was forwarded to the 1st respondent. The 1st respondent has filed a statement, in which it is specifically stated that there are some disputes between the petitioner and the 4th respondent. It is also stated that there is an outstanding amount payable by the petitioner to

the 4th respondent. Further on 21.04.2015, the petitioner is said to have charged against the petrol pump with his vehicle and hit the canopy of the Petroleum Retail Outlet, thus causing destruction. Again on 02.05.2015 the employees of the petitioner had trespassed into the Retail Outlet and threatened the workers of the 4th respondent. A criminal case is registered as Crime No.1322 of 2015 by the Aluva East Police Station against the petitioner.

3. The petitioner in the reply affidavit contends that there is no money due and the petitioner's case is that a false complaint was registered against the petitioner. These are all matters which can be agitated before an appropriate criminal Court.

4. In the context of there being inter-party disputes between the petitioner and the 4th respondent and the petitioner having chosen to take law into his hands, this Court is of the opinion that no orders under Article 226 of the Constitution of

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India can be issued. No infringement of public duty can be found only on the complaint of the petitioner. This Court does not find any reason to entertain the writ petition, especially since this Court is unable to comprehend, why the petitioner is insistent insofar as filling fuel from the respondent's pump alone.

The writ petition is dismissed.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

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// true copy //

P.A to Judge.