

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

WP(C).No. 27301 of 2015 (K)

PETITIONER(S):

1. **BIJU S., S/O.K.SATHYAN,
B.S.B.BHAVAN,
NORTH ARAYATHURATHY, SARKARA VILLAGE,
CHIRAYINKEEZHU TALUK, THIRUVANANTHAPURAM.**
2. **V.S.LAI,
S/O.G.VASAVAN, SNEHARAM, ALTHARAMOODU,
SARKARA VILLAGE, CHIRAYINKEEZHU TALUK,
THIRUVANANTHAPURAM.**
3. **SUNIL KUMAR,
NIRMAL BHAVAN, KOONTHALLOOR, KIZHUVILAM VILLAGE,
CHIRAYINKEEZHU TALUK, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.M.BALAGOVINDAN
SRI.S.SHIBU KUMAR
SMT.S.ABJA**

RESPONDENT(S):

1. **THE MANAGING DIRECTOR, INDIAN OIL CORPORATION LTD.,
KERALA STATE OFFICE, PANAMPILLI AVENUE,
PANAMPILLI NAGAR P.O, KOCHI 682 016.**
2. **SUGANDHA LAL, DEALER, THAMPURATTI GAS SERVICES,
INDANE DISTRIBUTORS, MUDAPURAM P.O,
CHIRAYINKIL, RESIDING AT KOCHUVEEDU, CHERUKUNNAM,
VARKALA P.O., PIN-695 014.**

R1 BY SRI.M.GOPIKRISHNAN NAMBIAR,SC, IOC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 27301 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE SUIT IN OS NO. 41/2015 BEFORE TEH SUB COURT,
ATTINGAL DATED 30.5.2015**
- P2- TRUE COPY OF THE PLAINT IN OS 45/2015 BEFORE THE SUB COURT,
ATTINGAL DATED 10.6.2015**
- P3- TRUE COPY FO THE CRIMINAL COMPLAINT IN CMP NO.145/2015 BEFORE THE
HONOURABLE JFMC-III, ATTINGAL DATED 3.6.2015**
- P4- TRUE COPY OF THE CIVIL SUIT OS 43/2015 BEFORE THE SUB COURT,
ATTINGAL DATED 3.6.15**
- P5- TRUE COPY OF THE REPRESENTATION GIVEN TO THE FIRST RESPONDENT
BY THE PETITIONERS DATED 22.6.2015**
- P5(A)- TRUE COPY OF THE POSTAL ACKNOWLEDGMENT.**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.27301 of 2015

Dated this the 10th day of September, 2015

J U D G M E N T

The petitioners have approached the Managing Director of the Indian Oil Corporation as per Ext.P5. By Ext.P5, the petitioners highlighted certain disputes, which they are having with the 2nd respondent. The 2nd respondent appears to be an authorised agent of Indian Oil Corporation.

2. The petitioners submit that they have advanced an amount to the 2nd respondent. On account non-repayment of the above amount they instituted a criminal complaint. The petitioner requested the managing Director to take action against the 2nd respondent for transferring agency to third persons.

3. This Court is of the view that issue highlighted in Ext.P5 relating to a private transaction between the petitioners and the 2nd respondent. There no public law element highlighted by the petitioners in this writ petition for taking any action by the 1st respondent. The petitioners have no right in respect of the agency. In that view of the

matter, this Court cannot direct the 1st respondent to consider the representation submitted by the petitioners as per Ext.P5. The petitioners are at liberty to agitate this issue in a competent civil court.

With the above liberty, the writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/