

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.8406/2014

Mr.R.Sivaprakasam

.. Petitioner

Versus

The Territory Manager
M/s.Bharath Petroleum Corpn.
Ltd., [A Govt. of India Undertaking]
No.1 Ranganathan Gardens, 11th Main Road,
Anna Nagar, Chennai - 40.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondent herein to remove their materials and equipments including petrol, diesel pumps etc on the petitioner's property bearing No.77, Panchetty Road, Ponneri, Thiruvallur District within a stipulated time.

For Petitioner : Mr.G.Jeremiah

For Respondent : Mr.O.R.Santhanakrishnan

ORDER

Heard Mr.G.Jeremiah, learned counsel for the petitioner ; Mr.O.R.Santhanakrishnan, learned counsel for the respondent and perused the material available on record including the counter affidavit filed by the respondent herein.

2.The petitioner seeks for issuance of a writ of mandamus to direct the the respondent herein to remove their materials and equipments including petrol, diesel pumps etc on the petitioner's property bearing No.77, Panchetty Road, Ponneri, Thiruvallur District within a stipulated time.

3.The petitioner would state that the suit filed by the respondent / Corporation for specific performance has been dismissed and confirmed by the First Appellate Court. Further, the petitioner would state that the petitioner is ready to surrender

the dealership. However, it is pointed out by the learned counsel for the respondent / Corporation that the petitioner is continuing to function as a dealer under the Corporation and he has been intending for supply of fuel and record has been produced to show that invoices has been raised on 04.12.2014 and even thereafter, as on date. In such circumstances, the question of directing the respondent/Corporation to remove the materials and equipments including petrol, diesel pumps etc., does not arise. Therefore, the prayer sought for by the petitioner cannot be granted at this stage of the matter. However, it is open to the petitioner to work out his remedies under the provisions of the Agreement and if he proposes to surrender the dealership, it is open to him to do so and the respondent / corporation is entitled to exercise their rights under the Agreement in the manner known to law, subject to challenge by the petitioner.

4.The writ petition is disposed of with the above observation.
No costs.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

AP

To

The Territory Manager
M/s.Bharath Petroleum Corpn.
Ltd., [A Govt. of India Undertaking]
Ranganathan Gardens, 11th Main Road,
Anna Nagar, Chennai - 40.

2 ccs to Mr.G. Jeremiah, sr. 8292

1 cc to Mr.O.R. Santhanakrishnan, Sr. 8133

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