

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-02-2015

CORAM

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WRIT PETITION No.4843 of 2014

and

M.P.No.1 of 2014

R.Muthukrishnan .. Petitioner

vs

- 1.Union of India
represented herein by
The Secretary in the
Ministry of Petroleum & Natural Gas
Shastri Bhawan
New Delhi 110 001
 - 2.Indian Oil Corporation Limited
represented herein by its
General Manager
"Indian Oil Bhawan"
139, Mahatma Gandhi Road
Chennai 600 034
 - 3.Bharat Petroleum Corporation Limited
represented herein by its
Regional LPG Manager
No.1, Ranganathan Garden
Off 11th Main Road
Anna Nagar West, Chennai 600 040.
 - 4.Hindustan Petroleum Corporation Limited
represented herein by its
Chief Regional Manager
"Petro Bhaven"
No.82, T.T.K. Road
Alwarpet, Chennai 600 018.
- .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of declaration declaring that the Direct Benefit Transfer Scheme for Liquefied Petroleum Gas that has been announced and being enforced by the Union of India is inconsistent with public law and the constitutional requirements.

For Petitioner : Mr.R.Muthukrishnan
Petitioner-in-person
For Respondents : Mrs.R.Maheswari
SCGSC for R1

Mr.O.S.Karthikeyan
for Mr.O.R.Santhanakrishnan
for RR2 to 4

ORDER

(Order of the Court was made by THE HON'BLE CHIEF JUSTICE)

The Direct Benefit Transfer Scheme for Liquefied Petroleum Gas (in short, DBTL Scheme), which has been impugned in the present petition, has been kept in abeyance as per the averment contained in para 9 of the counter affidavit of the first respondent. It is further stated that there is now no linkage of Aadhar Card with the Bank Account of the consumer for grant of subsidy. In terms of Office Memorandum dated 28.2.2014, a Committee has been set up to review the functioning of the DBTL Scheme.

2.The result of the aforesaid is that while the Scheme impugned has been kept in abeyance, no further Scheme is stated to have been brought into force.

3.The petitioner appearing in person, states that the respondents have actually abandoned the Scheme and the fact that they chose to keep the Scheme under abeyance implies that they have acknowledged the infirmities in the Scheme. It is further stated that the Scheme should not have been kept under abeyance without leave of the Court.

4.We are unable to accept the contention of the petitioner. It is the respondents' prerogative to keep the Scheme in abeyance and modify or change the same as may be ultimately advised. Only if the Scheme is brought into force or any modified version thereof, would any aggrieved party be entitled to assail the same in accordance with law. There is no question of giving any declaration qua the Scheme, which is now in abeyance. Further, there were no interim orders and thus, there was no question of prior permission before keeping the impugned Scheme in abeyance, a decision which was actually favourable to the claim of the petitioner.

5.The writ petition is, accordingly, dismissed leaving it open to the petitioner that in case he is aggrieved in future, he may seek his redressal in accordance with law. No costs. Consequently, connected MP is also dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

nsv

To:

- 1.The Secretary
Ministry of Petroleum & Natural Gas
Shastri Bhawan
New Delhi 110 001
- 2.The General Manager
Indian Oil Corporation Limited
"Indian Oil Bhawan"
139, Mahatma Gandhi Road
Chennai 600 034
- 3.The Regional LPG Manager
Bharat Petroleum Corporation Limited
No.1, Ranganathan Garden
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- 4.The Chief Regional Manager
Hindustan Petroleum Corporation Limited
"Petro Bhaven"
No.82, T.T.K. Road
Alwarpet, Chennai 600 018.

2 CCs To Mr.R.Muthukrishnan, Advocate SR NO.6791

1 CC To Mr.O.R.Santhanakrishnan, Advocate SR NO.6881

1 CC To Mr.R.Maheswari, Advocate SR NO.6902

W.P.No.4843 of 2014

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