

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.9833 of 2013

and

M.P.No.1 of 2013

M/s Nagalakshmi Agency,
rep. By its Proprietor,
HPL Retail Outlet Dealer
Villupuram Gingee Highway,
Nemur Post, Villupuram Taluk
and District - 605 203

...Petitioner

Vs

1. The Senior Regional Manager,
Hindustan Petroleum Corporation Ltd.,
Having regd. Office at No.17, Jamshedji
Tata road, Mumbai - 400 020 and
Retail Regional Office at No.90,
2nd floor, MDSR Enclave, Bharathidasan road,
Cantonment, Trichy - 620 001
2. The Manager - Vigilance,
Hindustan Petroleum Corporation Limited
3rd floor, Thalamuthu Natarajar Maligai
Gandhi Irwin Road, Egmore, Chennai
3. The Area Sales Manager,
Villupuram Sales Area,
Hindustan Petroleum Corporation Limited
Thiruvengadam & Co., Villupuram

...Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the report dated 31.03.2012 of the 2nd respondent in so far as stock variation is concerned and

consequently direct the respondents herein to forthwith permit the petitioner to continue for sale of petroleum products and resume supply of petroleum products at the petitioner retail outlet at opp. Anathapuram Cross Road, Villupuram-Gingee Highway, Nemur Post, Villupuram District.

For Petitioner : Ms.AL Ganthimathi

For Respondent : Mr.M.Vijiyan for King & Patridge

O R D E R

Heard Ms.AL Ganthimathi, learned Senior Counsel appearing for the petitioner and Mr.M.Vijiyan, learned counsel for the respondents.

2. The petitioner in this Writ Petition has challenged the proceedings/report dated 31.03.2012 wherein the 2nd respondent has alleged that there is stock variation.

3.It is seen that at the time when the writ petition was entertained an interim direction was prayed for and the same was granted by an order dated 29.04.2013. In the light of the said interim direction, the petitioner is running the outlet.

4.It is pointed out by the learned standing counsel appearing for the Corporation that the show cause notice has been issued on 16.04.2013 clearly setting out the allegations against the petitioner and the petitioner may be directed to submit their reply to the show cause notice and the Corporation may be permitted to proceed with the matter in accordance with law. Further, it is stated that the Corporation does not propose to interfere with the running of the petitioner's outlet till the final orders are passed by the respondent on the show cause notice.

5.In the light of the above, there shall be a direction to the petitioner to submit his objections/reply to the show cause notice within a period of three weeks from the date of receipt of copy of a order. On receipt of the reply, the respondent shall consider the same, afford opportunity of personal hearing to the petitioner and pass a reasoned order on merits and in accordance with law as expeditiously as possible. Until then, the petitioner's running of the outlet shall not be interfered.

With the above observation, this petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Senior Regional Manager,
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Having regd. Office at No.17, Jamshedji
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Retail Regional Office at No.90,
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2. The Manager - Vigilance,
Hindustan Petroleum Corporation Limited
3rd floor, Thalamuthu Natarajar Maligai
Gandhi Irwin Road, Egmore, Chennai

3. The Area Sales Manager,
Villupuram Sales Area,
Hindustan Petroleum Corporation Limited
Thiruvengadam & Co., Villupuram

1 CC to Ms.AL Ganthimathi, Advocate SR.No. 11360

1 CC to M/s.King & Patridge, Advocate SR.No. 11068

W.P.No.9833 of 2013 and M.P.No.1 of 2013

SK (CO)

PSI (12.03.2015)

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