

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2015

CORAM :

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Writ Petition No.31207 of 2015 & M.P.No.1 of 2015

M/s.Nagalakshmi Agencies rep.by
Mr.J.Prakash

...Petitioner

Vs

1.The Senior General Manager,
Hindustan Petroleum Corporation
Ltd., No.90, II Floor, MDSR
Enclave, Bharathidasan Road,
Cantonment, Trichy-1.

2.The Manager-Finance, Hindustan
Petroleum Corporation Ltd.,
No.90, II Floor, MDSR Enclave,
Bharathidasan Road,
Cantonment, Trichy-1.

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

4.The Branch Manager, Indian Bank,
Sacret Heart Convent Branch,
No.523, East Pondy Road,
Villupuram.

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus directing the
third respondent to supply petroleum products as per the indent
raised by the petitioner on 29.9.2015.

For Petitioner : Mr.V.Raghavachari

For Respondents 1 to 3 : Mr.Vijayan for
M/s.King & Partridge

ORDER

The petitioner has come forward to file this writ petition with a specific case that while effecting a transfer of amount to the tune of Rs.10 lakhs, the fourth respondent bank had wrongly transferred the amount in favour of M/s.Bashyam Reddy & Co. Therefore, the amount stated to have been transferred on behalf of the petitioner in favour of M/s.Bashyam Reddy & Co., will be taken as the amount said to have been transferred in the account of the petitioner. Resultantly, the supply will have to be effected for the said amount.

2. A counter affidavit has been filed by the respondents 1 to 3 denying the said statement. In the counter affidavit filed, it has been stated that the letter given by the bank had been withdrawn subsequently. The said M/s.Bashyam Reddy & Co. has also claimed that the transaction is genuine and the amount was transferred correctly. Not only that, the said concern namely M/s.Bashyam Reddy & Co. has collected petroleum products for the said amount and thereafter, the petitioner also made necessary payments and purchased petrol and diesel from the Hindustan Petroleum Corporation Limited. Thus, it is clear that no interference is required.

3. While disputed questions of fact cannot be gone into in these proceedings, such disputes raised between the petitioner on the one hand and M/s.Bashyam Reddy & Co., on the other hand also cannot be decided. At least, M/s.Bashyam Reddy & Co. has taken a stand that the amount has been transferred correctly. M/s.Bashyam & Co. is also not a party before this Court. The letter issued by the bank has also been clarified subsequently. It is also seen that the petitioner has also made payment thereafter and purchased petrol and diesel from the Hindustan Petroleum Corporation Limited. Hence, this Court is not willing to adjudicate the dispute sought to be raised as the one being purely between the petitioner on the one hand and M/s.Bashyam & Co. on the other hand.

4. Accordingly, the writ petition is disposed of giving liberty to the petitioner to work out their grievance, if any, against M/s.Bashyam & Co., if so advised. No costs. Consequently, the above MP is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

RS

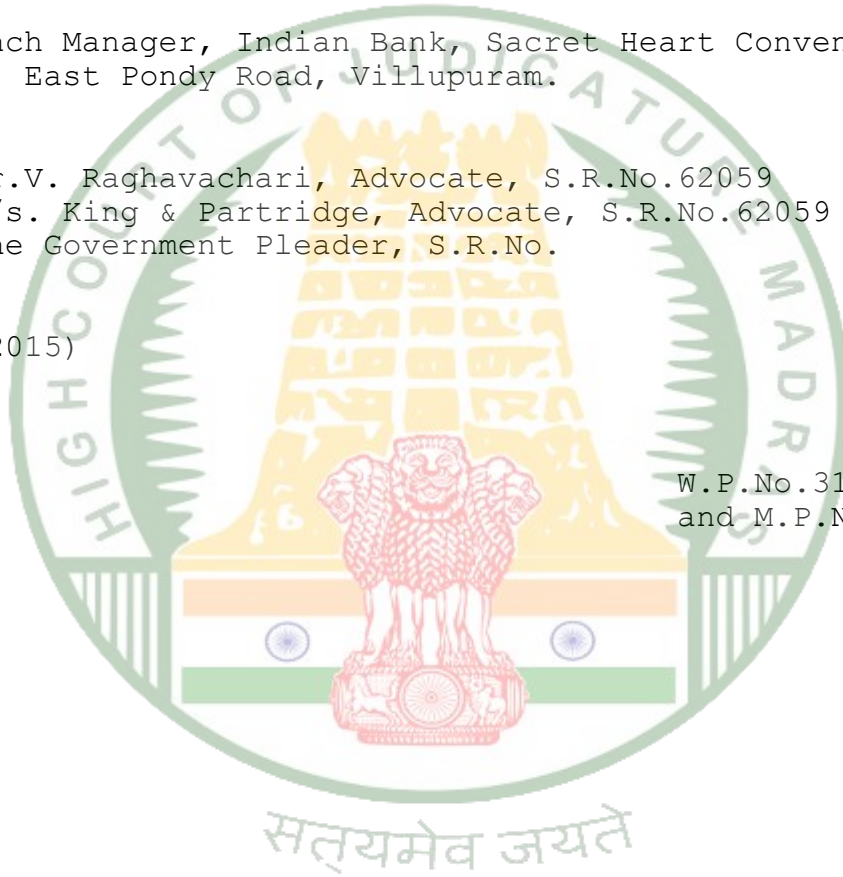
To

- 1.The Senior General Manager, Hindustan Petroleum Corporation Ltd., No.90, II Floor, MDSR Enclave, Bharathidasan Road, Cantonment, Trichy-1.
- 2.The Manager-Finance, Hindustan Petroleum Corporation Ltd., No.90, II Floor, MDSR Enclave, Bharathidasan Road, Cantonment, Trichy-1.
- 3.The Area Sales Manager, Villupuram Sales Area, Hindustan Petroleum Corporation Ltd., Thiruvengadam & Co., Villupuram.
- 4.The Branch Manager, Indian Bank, Sacret Heart Convent Branch, No.523, East Pandy Road, Villupuram.

+1cc to Mr.V. Raghavachari, Advocate, S.R.No.62059
+1cc to M/s. King & Partridge, Advocate, S.R.No.62059
+1cc to the Government Pleader, S.R.No.

KK(CO)
EU(24/11/2015)

W.P.No.31207 of 2015
and M.P.No.1 of 2015



WEB COPY