

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.34538 of 2015

and M.P.No.1 of 2015

M/s.Haji A.Mohamed Ismail
Indian Oil Dealer
rep by Partners
1.Mohamed Hameem
2.Anvarudeen
3.Sathika Begam

... Petitioner

-Vs-

1.The Senior Divisional Retail Sales Manager
Indian Oil Corporation Ltd., (Marketing Division),
Trichy Divisional Office,
Tiruveni, 3rd Floor, B-35, Shastri Road,
Thillai Nagar, Trichy - 620 018.

2.The General Manager (Retail Sales),
Indian Oil Corporation Ltd.,
Tamil Nadu State Office,
No.139, Nungambakkam High Road,
Chennai - 600 034.

3.Ahamed Mohideen

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st & 2nd respondents to dispose of the representation of petitioner dated 15.10.2015 and thereby direct the 1st & 2nd respondents to call upon the 3rd respondent to disclose his legal status as to citizenship status in view of the legal duty cast upon the respondents 1 and 2 vide clause 1.6 of their Policy Circular No.212-05/2013 dated 09.05.2013 and further direct them to receive the reconstitution proposal to be submitted by the surviving eligible partners M/s.Anvarudeen, Mohamed Hameem and Sathika Begum of the petitioner firm excluding Ahmed Mohideen, the 3rd respondent with liberty to induct any minority partner as

per the extant policy of Indian Oil Corporation Limited governing reconstitution proposal.

For Petitioner : Mr.V.Raghavachari
for M/s.S.Govindarajan

For Respondents : Mr.R.Ravi (R1 & R2)

O R D E R

The petitioner has come forward to file this Writ Petition seeking a direction to pass orders on the representation of the petitioner dated 15.10.2015 and thereby directing the respondent nos.1 & 2 to call upon the respondent No.3 to disclose his legal status.

2.The learned counsel for the petitioner submitted that it is the specific case of the petitioner that the respondent no.3 is disqualified to be a partner.

3.When the matter is taken up for hearing, the learned counsel for the respondent nos.1 & 2 submitted that the petitioner would be permitted to meet the respondent nos.1 & 2 along with the reconstitution proposal and on receipt of the same, appropriate action would be taken.

4.The said statement is recorded. The submission made by the learned counsel for the petitioner that the petitioner no.1 has come from abroad all over only for this purpose is also recorded.

5.It is needless to state that the question of competency of the respondent no.3 to be a partner is a matter to be considered by the respondent nos.1 & 2 in the manner known to law, of course, after issuing notice to the parties.

6.As the order passed is not on merits, the Writ Petition is disposed of without hearing the respondent no.3, who is also incidentally said to be residing abroad. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Senior Divisional Retail Sales Manager
Indian Oil Corporation Ltd., (Marketing Division),
Trichy Divisional Office,
Tiruveni, 3rd Floor, B-35, Shastri Road,
Thillai Nagar, Trichy - 620 018.

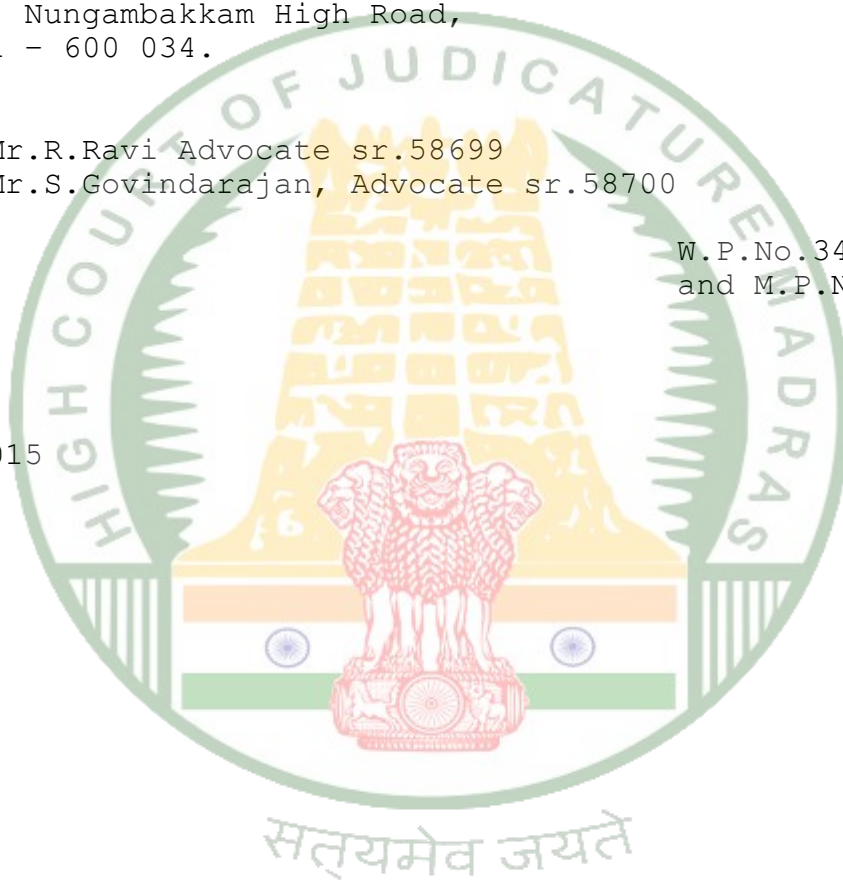
2.The General Manager (Retail Sales),
Indian Oil Corporation Ltd.,
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Chennai - 600 034.

+1 cc to Mr.R.Ravi Advocate sr.58699

+1 cc to Mr.S.Govindarajan, Advocate sr.58700

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