

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.26778 of 2013

and

M.P.No.1 of 2013

V.R.Siva

.. Petitioner

vs

1. Indian Oil Corporation Ltd.,
rep.by The Chief Divisional
Retail Sales Manager
Chennai Divisional Office
No.500, Anna Salai
Teynampet, Chennai 600 018.
2. The Chief Retail Marketing Manager
No.139, Nungambakkam High Road
IOC Bhavan, Chennai 600 034.
3. The Senior Divisional Retail Sales
Manager, Indian Oil Corporation Ltd.,
Trichy Division Office, 3rd Floor
B-35, Shastri Road, Thillai Nagar
Trichy 620 018.
4. Ramasundara Swamigal .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the respondents 1 to 3 to relieve the petitioner's name from the petroleum dealership namely, M/s.Swamy Agency, having office at 55, Kallakurichi Main Road, Chinna Salem, Villupuram District as per deed of dissolution dated 19.07.2009 by disposing of the representations given to the third respondent dated 07.02.2012 and 08.01.2013.

For Petitioner : Mr.S.Mohan

For Respondents: Mr.V.Anantha Natarajan
for RR1 to 3
Mr.S.Sounthar for R4

ORDER

Heard Mr.S.Mohan, learned counsel for the petitioner, Mr.V.Anantha Natarajan, learned counsel for respondents 1 to 3 and Mr.S.Sounthar, learned counsel appearing for the fourth respondent.

2. The petitioner seeks for a direction upon respondents 1 to 3 to relieve the petitioner's name from the petroleum dealership namely, M/s.Swamy Agency, having office at 55, Kallakurichi Main Road, Chinna Salem, Villupuram District pursuant to the deed of dissolution dated 19.07.2009 by considering his representations dated 07.02.2012 and 08.01.2013 pending before the third respondent.

3. According to the petitioner, M/s.Swamy Agency was granted the petroleum dealership by the Indian Oil Corporation pursuant to the agreement dated 15.07.2005. Now the petitioner, who was one of the partners got himself relieved from the partnership business and the deed of dissolution has already been entered into between the petitioner and the fourth respondent dated 19.07.2009. The said document was also forwarded to respondents 1 to 3 along with his representations dated 07.02.2012 and 08.01.2013 and since there was no action taken by respondents 1 to 3, the petitioner has approached this Court.

4. The fourth respondent has filed counter affidavit stating that he has no objection to the prayer sought for by the petitioner and has requested that the dealership may be given to him as a proprietary concern.

5. Inasmuch as one of the partners relieved himself from the partnership business; that there is no dispute between the petitioner and the fourth respondent and the issue is pending on the file of the third respondent, there shall be a direction to the third respondent to pass appropriate orders directing the fourth respondent to continue the dealership as a proprietary concern. The above direction shall be complied with by the third respondent within a period of two weeks from the date of receipt of a copy of this order.

5. This writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst. Registrar(CO)

/true copy/ Sub Asst. Registrar.

vj2

To

1. The Chief Divisional
Retail Sales Manager
Indian Oil Corporation Ltd.,
Chennai Divisional Office
No.500, Anna Salai
Teynampet, Chennai 600 018.
2. The Chief Retail Marketing Manager
No.139, Nungambakkam High Road
IOC Bhavan, Chennai 600 034.
3. The Senior Divisional Retail Sales
Manager, Indian Oil Corporation Ltd.,
Trichy Division Office, 3rd Floor
B-35, Shastri Road, Thillai Nagar
Trichy 620 018.

+1cc to Mr.V.Ananathanatarajan ,Advocate SR.No.3861

+1cc to Mr.S.Mohan , Advocate SR.No.4008

+1cc to Mr.S.Sounthar ,Advocate SR.No.4028

AD(CO)

ka 30/01

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