

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.14638 of 2016

K.Jayakumar

Rep. by his Power Agent

Ms.Saranya Priyadharshini

... Petitioner

Vs.

1.The Chief Regional Manager,  
Hindustan Petroleum Corporation Ltd.,  
Chennai Retail Regional Office,  
Petrobavan, 2<sup>nd</sup> Floor,  
No.82, T.T.K.Road,  
Alwarpet, Chennai - 600 018.

2.The Senior Manager,  
Hindustan Petroleum Corporation Ltd.,  
Chennai Retail Regional Office,  
Petrobavan, 2<sup>nd</sup> Floor,  
No.82, T.T.K.Road,  
Alwarpet, Chennai - 600 018. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 01.03.2016 and thereby direct the respondents to transfer the retail outlet dealership rights which stands in the name of Late.Tr.V.C.Kesavan into the name of the petitioner's daughter by namely Ms.Saranya Priyadharshini immediately.

For Petitioner : Mr.A.Rajeshkanna  
For Respondents : Mr.O.R.Santhana Krishnan

O R D E R

The present writ petition has been filed seeking a Mandamus directing the respondents to consider the petitioner's representation dated 01.03.2016 and thereby direct the respondents to transfer the retail outlet dealership rights which stands in the name of Late.Tr.V.C.Kesavan into the name of

the petitioner's daughter namely, Ms.Saranya Priyadharshini immediately.

2.The petitioner K.Jayakumar is the father of the deponent of the affidavit filed in support of this petition, namely, Ms.Saranya Priyadharshini. In the petition it is stated that originally, one Late.V.C.Kesavan/ father of the petitioner was granted dealership by the respondents Hindustan Petroleum Corporation Limited and the petrol bunk of the respondent Corporation is functioning at No.261-A, Market Road, Arani, Thiruvannamalai District and the dealership stands in the name of Late.V.C.Kesavan.

3.It is further stated that the said Late.V.C.Kesavan due to his age factor decided to settle the properties including the dealership of operating the petrol bunk. Hence, the female heirs of Late.V.C.Kesavan executed a registered Release Deed by relinquishing their shares in the family property inclusive of the dealership right over the petrol bunk and simultaneously, a Will was also executed by Late.V.C.Kesavan during his lifetime in favour of his son/ petitioner herein exclusively settling the dealership right for running the petrol bunk in the above said property and after the demise of Late.V.C.Kesavan on 07.10.2013, the petitioner alone is taking care of the petrol bunk dealership.

4.It is further stated that due to the age factor and ill health, the petitioner is unable to actively indulge himself in the said business activities and hence, he executed a registered power of attorney in favour of his daughter and approached the office of the respondent for name transfer of the dealership right and the deponent of the affidavit has also sent a representation dated 24.08.2015 with a request for name transfer of dealership rights from the name of her grandfather to her name and the petitioner has also issued no objection certificate for name transfer. Since it has not been considered, the petitioner on 02.12.2015 addressed a representation along with the legal opinion to the respondent for name transfer of dealership rights and thereafter, in this regard the petitioner's daughter/ deponent of the affidavit has also addressed a representation with all enclosures. But, the same has not been considered so far. Hence, the petitioner represented by his Power Agent/ daughter has come forward with this petition.

5.Heard the submissions of the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

6.Considering the submissions made on either side and without going into the merits of the claim made by the petitioner, this Court directs the petitioner to give a fresh representation along with a copy of this order to the respondents within a period of one week from the date of receipt of a copy of this order and the respondents on receipt of the same is directed to consider the same on merits and in accordance with law and pass appropriate orders, after affording opportunity of personal hearing to the petitioner, within a period of eight weeks thereafter.

7.The writ petition is disposed of accordingly. No costs.  
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s/d-

Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

1.The Chief Regional Manager,  
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+ 1 cc to M/s.O.R.Santhanakrishnan, Advocate SR 26384

+ 1 cc to M/s.A.RajeshKanna, Advocate SR 26866

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