

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.37027 of 2016

Tamilnadu Kerosene Dealers General
Welfare Association rep.by its
General Secretary M.C.Meyappan @ Manickam
No.87 [Old No.14], Karaneeswarar Pagoda
Street, Chennai-4. .. Petitioner

Vs.

- 1.The Secretary
Government of Tamil Nadu
Food, Civil Supplies & Consumer
Protection Department
Fort St George, Chennai 600 009.
- 2.The Special Commissioner
and Commissioner of Food, Civil
Supplies & Consumer Protection
Department, Chepauk, Chennai-600 006.
- 3.The General Manager [Oil Coordinate]
Indian Oil Corporation, Nungambakkam
Chennai 600 034. .. Respondents

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 3rd respondent to forthwith supply PDS Kerosene to the kerosene dealers in Chennai City regularly and uninterruptedly through its lorries/trucks in a day or two, whenever indent is placed by the kerosene dealers to the 3rd respondent so as to enable the PDS Kerosene Dealers to supply the same to the General Public who are all below poverty line through retailers based on the final representation dated 26.09.2016 as the

festivals, namely Deepavali, Christmas and Pongal etc., are to come shortly.

For Petitioner	:	Mr.K.Raja
For R1 and R2	:	Mr.Digvijayapandian, AGP
For R3	:	Mr.M.Mohamed Faiyaz Ali
		Standing Counsel

ORDER

Heard the learned counsel for the petitioner ;
Mr.Digvijayapandian, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 2 and Mr.M.Mohamed Faiyaz Ali, learned Standing Counsel accepting notice on behalf of the 3rd respondent and with the consent on either side, the writ petitions are taken up for final disposal.

2 The grievance expressed by the petitioner / Association is that the 3rd respondent is not supplying the PDS kerosene to its retailers/dealers in the Chennai City, which in turn, is intended to be distributed to the general public who are below poverty line. Time and again, this Court, by following the decisions of the Division Bench of this Court reported in **[2005] Writ Law Reporter 321** [*Formation of Indian Network Marketing Association rep.by its President M/s.Apple FMCG Marketing Private Ltd., rep. by its Chief Executive Officer and others*] and **[2005] Writ Law Reporter 389** [*Tamilaga Asiriyar*

Kootani rep.by its General Secretary V.Annamalai Vs. The Government of Tamil Nadu rep.by its Secretary to Government, School Education Department, Chennai-9 and others], had categorically held that an Association cannot file/represent a case in which they are not directly involved and that, only the affected members of such Association can file a writ petition. In the instant case, the petitioner/Association represents 19 dealers in the Chennai City and if at all the said dealers are aggrieved, there is no embargo on them to represent their grievance individually.

3 In such view of the matter, the writ petition is dismissed as not maintainable. However, liberty is granted to the individual dealers to move this Court, if they are otherwise aggrieved. No costs.

24.10.2016

AP

B.RAJENDRAN, J.,

AP

To

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