

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

And

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.641 of 2015

M/s.Nagalakshmi Agency

Represented by its Proprietor .. Appellant/Petitioner

Vs.

1.The Senior Regional Manager

Hindustan Petroleum Corporation Ltd.,

90, 2nd Floor, MDSR Enclave

Bharathidasan Road,

Cantonment, Trichy - 620 001.

2.The Manager - Vigilance

Hindustan Petroleum Corporation Ltd.,

Third Floor, Thalamuthu Natarajar Maligai,

Gandhi Irwin Road, Egmore, Chennai.

3.The Area Sales Manager,

Villupuram Sales Area

Hindustan Petroleum Corporation Ltd.,

Thiruvengadam & Co.,

Villupuram.

..Respondents/Respondents

Prayer:

Writ appeal filed under Clause 15 of the Amended Letters Patent of 1865 praying to set aside the order dated 27.02.2015 passed in W.P.No.9833 of 2013. Petition filed under Article 226 of the constitution of India to issue a writ of certiorarified Mandamus calling for the records relating to the report dated 31.3.2012 of the 2nd respondent in so far as stock variation is concerned and consequently direct the respondents herein to forthwith permit the petitioner to continue for sale of petroleum products and resume supply of petroleum products at the petitioner retail outlet at Opp. Anathapuram Cross Road Villupuram-Gingee Highway Nemur Post Villupuram District.

For Appellant : Mr.V.Raghavachari

For Respondents: Mr.KT.Sankarasubramaniam
for M/s.King and Partridge

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN,J.)

The appellant challenged the proceedings/ report dated 31.03.2012 issued by the Manager - Vigilance, Hindustan Petroleum Corporation Limited indicating that there was stock variation by filing a writ petition. The writ petition was disposed of with a direction to submit reply to the show cause notice. The status-quo as existing then was directed to be maintained.

2.When the writ appeal was taken up for hearing, the learned counsel for the appellant submitted that during the currency of this appeal, the first respondent passed an order cancelling the licence and the same is the subject matter of the writ petition in W.P.No.8468 of 2017 before the writ Court.

3.In view of the subsequent events relating to the disposal of enquiry proceedings and the order of cancellation of licence, nothing survives for adjudication in this intra court appeal. It is always open to the appellant to take up all the contentions available before the writ Court in W.P.No.8468 of 2017.

4.The intra court appeal is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Senior Regional Manager

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3.The Area Sales Manager,

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

+ 1 cc to M/s. V. Raggavachari, Advocate Sr.81264

+ 1 cc to M/s. King and Partidge, Advocate Sr.81121

W.A.No.641 of 2015

MP(CO)

EU(14/12/2017)