

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WRIT PETITION No.330 of 2017

WMP NOS.365 & 366/2017

Rajan & Co.
IOCL Dealer,
rep. By its Partner, G.Nataraj,
S/o.P.V.S.M.N.Gnanasegaran,
No.44, Nadar West Car Street,
Aruppukottai,
Virudhunagar District,
Pincode - 626 101. Petitioner

vs.

1. Union of India,
rep. By its Secretary,
Ministry of Petroleum and Natural Gas,
Shastri Bhavan,
New Delhi.
2. Hindustan Petroleum Corporation Ltd.,
rep. by its Chairman and Managing Director,
No.17, Jamshed Ji Tatta Road,
Mumbai - 400 020.
3. Indian Oil Corporation Limited,
rep. By its Chairman and Managing Director,
Scope Complex,
New Delhi - 110 003.
4. The Director (Marketing),
Indian Oil Corporation Ltd.,
G-9, Ali Yuavar Jung Marg,
Bandara East, Mumbai - 400 051.
5. Bharat Petroleum Corporation Ltd.,
rep. By its Chairman and Managing Director,
Bharat Bhavan, No.4 & 6, Currim Bhoy Road,
Ballard Estate, P.B.No.688,
Mumbai -1.

6. The Government of Tamil Nadu,
rep. by its Secretary,
Food Civil Supplies & Consumer
Protection Department,
Fort St. George,
Chennai 600 009.

7. The Commissioner,
Civil Supplies & Consumer
Protection Department,
Chepauk,
Chennai 600 005.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus calling for the impugned advertisement published in the "Dhinathanthi" newspaper dated 21.09.2013 by the 2nd to 5th respondents for appointment of LPG Distributors in Aruppukottai, Virudhunagar District and quash the same and consequently direct the 1st to 5th respondents herein to allot LPG Distributorship in Aruppukottai, Virudhunagar District or in any location in Tamil Nadu to the petitioner.

For Petitioner : Mr.P.Krishnan
Mr.P.N.Vignesh

O R D E R

Seeking to quash the impugned advertisement published in the "Dhinathanthi" newspaper dated 21.09.2013 by the respondents 2 to 5 respondents for appointment of LPG Distributors in Aruppukottai, Virudhunagar District and for a consequential direction to respondents 1 to 5 to allot LPG Distributorship in Aruppukottai, Virudhunagar District or in any location in Tamil Nadu to him, the petitioner has come up with this Writ Petition.

2. The petitioner viz. G.Nataraj is a Kerosene Whole Sale Dealer and is a partner in a Company viz. Rajan & Co. According to him, kerosene business has become very sick and he sustained huge loss for the past one decade by supplying kerosene products. As per the agreement with the Oil Companies, kerosene dealers have to supply any other products also that may be directed to be supplied by the Oil Companies. Mentioning the difficulties faced by kerosene dealers in Tamil Nadu, the Tamil Nadu Kerosene Dealers' Association, in which the petitioner is a member, preferred various representations to the respondents to allot LPG distributorship after getting back SKO/LDO dealership agreement.

3. Since the Government of Tamil Nadu is not able to allot kerosene to the dealers at least to the extent of

survival, they themselves recommended to the 1st to 5th respondents to allot LPG Cylinder to the Kerosene dealers in Tamil Nadu on surrendering the kerosene wholesale dealership and the same is pending till date on the file of the 1st respondent. While so, respondents 2 to 5 issued an advertisement dated 21.09.2013 in "Dhinanthi" Newspaper to fill up all the locations in Tamil Nadu. It is the case of the petitioner that the said advertisement was issued without waiting for the decision to be taken by the 1st respondent on the issue as to whether SKO/LDO dealers can be converted into LPG distributorship. According to him, while switching over from SKO/LDO to LPG, the petitioner is entitled to get dealership in Aruppukottai, Virudhunagar or in any other place in Virudhunagar District.

4. It is the further case of the petitioner that the qualification for kerosene dealership & LPG distributorship are one and the same and therefore, there is no legal hurdle in considering the petitioner's grievance of converting SKO/LDO dealership to LPG distributorship. According to the petitioner, he is ready to abide by any condition that may be imposed while allotting LPG distributorship in Aruppukottai, Virudhunagar District.

5. Heard the learned counsel for the petitioner and perused the material documents available on record.

6. In a similar circumstance, this Court, by an order dated 30.06.2016, finding no merits in the claim of the petitioners therein, dismissed a batch of Writ Petitions in W.P.Nos.35322 to 35326 of 2013.

7. It is represented by the learned counsel for the petitioner that a Writ Appeal is pending against the order passed in the Writ Petition preferred by the Kerosene Dealers Association, in which the petitioner is also a member.

8. In such view of the matter and also taking note of the order passed in the batch of Writ Petitions (supra), this Court finds no merit in the present case, as the petitioner cannot, as a matter of right insist that there should be automatic conversion of SKO/LDO dealership to LPG distributorship, as it is not feasible. In fine, the Writ Petition stands dismissed. No costs. Consequently, connected W.M.P.Nos.365 and 366 of 2017 are closed.

sd/
Assistant Registrar (CS IV)

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aep

Sub Assistant Registrar

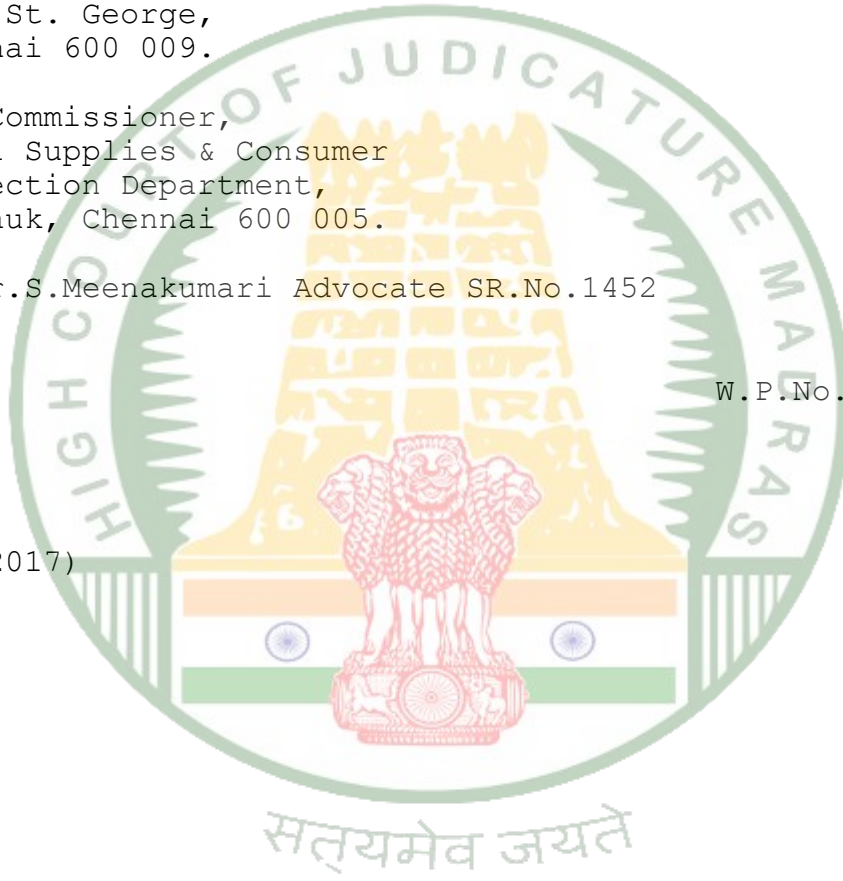
To:

1. The Secretary,
Union of India,
Ministry of Petroleum and Natural Gas,
Shastri Bhavan, New Delhi.
2. The Secretary to Government,
Food Civil Supplies & Consumer
Protection Department,
The Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
3. The Commissioner,
Civil Supplies & Consumer
Protection Department,
Chepauk, Chennai 600 005.

+1cc to Mr.S.Meenakumari Advocate SR.No.1452

W.P.No.330 of 2017

AK(CO)
GN(14/02/2017)



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