

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.29317 of 2017

and

W.M.P.No.31582 of 2017

M/s. Captain Palanisamy Service Station
No.323, Omalur Main road,
Salem.

rep. by its Managing Partner
Mr.S.Kupppannan.

... Petitioner

vs.

The Indian Oil Corporation,
rep. by its Deputy general Manager,
Marketing Division,
Salem Divisional Office,
No.234, First Floor, NH-7,
Salem-Bangalore Bypass Road,
Kondalanpatti,
Salem - 636 010.

...Respondent

PRAYER:

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certioari to call for the records pertaining to the show cause notice in Ref.SLM/SLMI/CAPTAIN dated 09.10.2017 and to quash the same.

For Petitioner : Mr.R.Singaravelan,
Senior Counsel for
M/s. Fenn Walter Association.

For Respondents: Mr.Abdul Saleem
Standing Counsel.

O R D E R

Mr.Abdul Saleem, learned standing counsel takes notice for the respondents and by consent of the parties, the main writ petition itself is taken up for final disposal.

2. Heard both sides.

3. This writ petition is filed challenging the show cause notice dated 09.10.2017 calling upon the petitioner to show cause as to why the dealership granted to the petitioner should

not be cancelled based on the reasons set out in the impugned show cause notice.

4. Heard Mr.Singaravelan, learned senior counsel appearing for the petitioner and Mr.Abdul Saleem, learned standing counsel appearing for the respondent Corporation.

5. It is well settled that this Court, while exercising the jurisdiction under Article 226 of the Constitution of India need not interfere with the show cause notice if the same was issued by the competent authority having jurisdiction to issue the same and decide the dispute between the parties. The grievance of the petitioner before this Court is not against the jurisdiction of the respondent and on the other hand, it is only on an apprehension that the respondent will pass an order without giving an opportunity of personal hearing to the petitioner, even though the said request was made while giving the reply to the show cause notice.

6. Mr.R.Singaravelan learned senior counsel submitted that the petitioner has already given the reply and sought for personal hearing. Therefore, he submitted that the respondent Corporation has to consider such request before passing the final order.

7. Learned Standing Counsel appearing for the respondent Corporation fairly submitted that even though no such provision is made for giving an opportunity of personal hearing, still the Corporation will give an opportunity of personal hearing to the petitioner and pass the final order thereafter.

8. The above statement of the learned Standing Counsel appearing for the respondent Corporation is recorded and the writ petition is disposed of accordingly. It is made clear that this Court is not expressing any view on the contention raised by the petitioner as well as the respondent Corporation on the issue involved which culminated into the issuance of the show cause notice. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
The Deputy general Manager,
The Indian Oil Corporation,
Marketing Division,
Salem Divisional Office,
No.234, First Floor, NH-7,
Salem-Bangalore Bypass Road,
Kondalanpatti,
Salem - 636 010.

+lcc to M/s.Fenn Walter, Advocate SR.no.81368
+lcc to M/s.Abdul Saleem, Advocate SR.No.81810

W.P.No.29317 of 2017

RSI (CO)
sm:6.12.2017



WEB COPY