

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.25339 of 2003

and

W.P.M.P.Nos.2065 of 2004 and 840 of 2008

Karpaga Vinayagar Agencies,
by its Proprietor L.Sivakumar,
S/o P.Lakshmanan, at No.30,
Bazaar Street, Balasumudram,
Palani, Dindigul District. ... Petitioner

Vs.

1. The Union of India,
Rep. by its Secretary,
Ministry of Petroleum and Natural Gas,
New Delhi.
2. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Civil Supplies and Consumer Protection Department,
Fort St.George, Chennai-9.
3. The Commissioner of Civil Supplies
and Consumer Protection,
Chepauk, Chennai-600 005.
4. M/s.IBP Co. Ltd.,
Rep. by its Sr. Divisional Manager,
Mr.K.Sukumar,
No.10, Mayor V.R.Ramanathan Road,
Chetpet, Chennai-31.

(Fourth respondent impleaded as per order of Court
dated 16.02.2004 in W.P.M.P.No.47647 of 2003)

5. M/s.Indian Oil Corporation Ltd.,
Rep. by its Assistant Manager (Law),
Constituted Attorney Mr.G.Sridharan,
No.139, Nungambakkam High Road,
Nungambakkam, Chennai-34.

(Fifth respondent impleaded as per order of Court
dated 16.02.2004 in W.P.M.P.No.47646 of 2003) .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Declaration, to declare that Rule 3-A of The Kerosene (Restriction on Use and Fixation of Ceiling Price) Order 1993 as well as Rule 3(v) of The Motor Spirit and High Speed Diesel (Regulation of Supply, Distribution and Prevention of Mal Practices) Order 1998 are ultra-vires and unconstitutional and consequently forbear the respondents from in any way interfering with the trading activities of the petitioner in white kerosene both with regard to licence as well as selling of white kerosene to Motor Vehicles or to any other use.

For petitioner : Mr.D.Peter Francis
For respondents : Mr.J.Madana Gopal Rao, SCGSC for R-1
Mr.Akhil Akbar Ali, Govt.
Advocate for RR-2 & 3
M/s.Anand, Abdul and Vinod
Associates for R-4
Mr.R.Ravi for R-5

ORDER

When the Writ Petition is taken up for hearing, learned counsel for the petitioner reports no instructions from the petitioner. Accordingly, the Writ Petition is dismissed for want of instructions. No costs. W.P.M.Ps. are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

CS

To

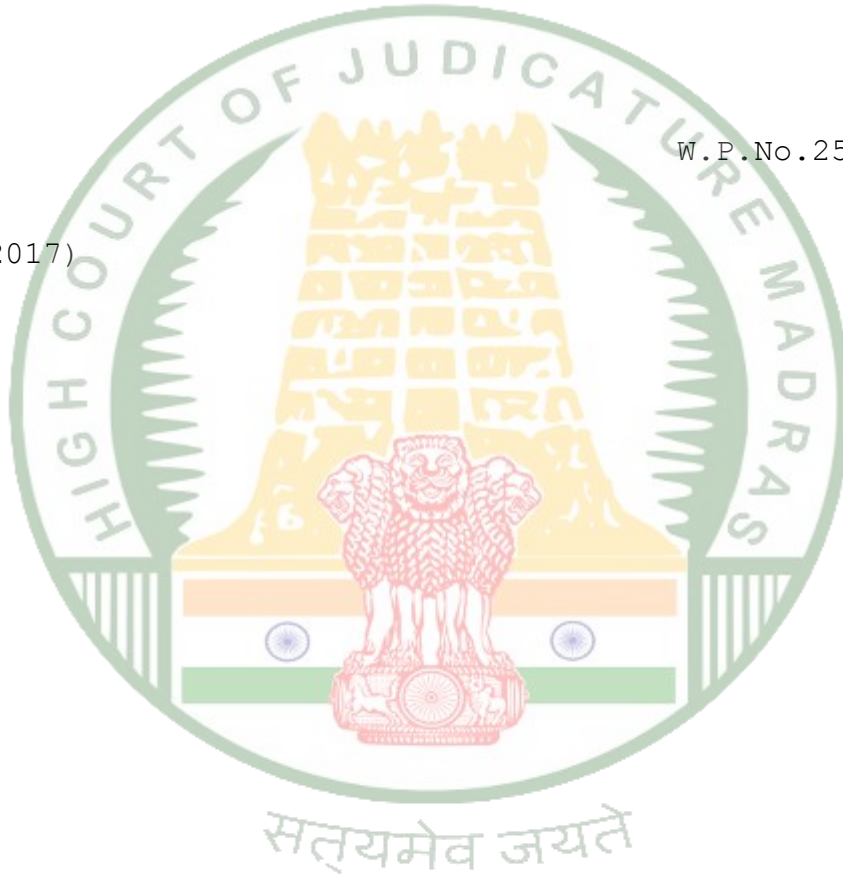
1. The Secretary,
Ministry of Petroleum and Natural Gas,
New Delhi.

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2. The Secretary to Government,
Civil Supplies and Consumer Protection Department,
Fort St.George, Chennai-9.
3. The Commissioner of Civil Supplies
and Consumer Protection,
Chepauk, Chennai-600 005.
4. The Assistant Manager (Law),
Indian Oil Corporation Ltd.,
No.139, Nungambakkam High Road,
Nungambakkam, Chennai-34.

W.P.No.25339 of 2003

SS(CO)
VR(28/09/2017)



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