



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2017

Coram

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRA BAABU

W.P. (MD) No.1054 of 2017

and

W.M.P. (MD) Nos.891 and 892 of 2017

R. Gangammal

: Petitioner

vs.

1. The Senior Divisional Retail Sales Manager,
Indian Oil Corporation Ltd,
Madurai Divisional Office,
No.2, Race Course Road,
Chokkikulam,
Madurai - 625 002.

2. The Managing Director,
Indian Oil Bhavan,
G9, Ali Yavar Jung Marg,
Bandar (east)
Mumbai - 400 051.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus calling for the records, pertaining to the Impugned Letter, dated 26.12.2016, sent by the 1st respondent and quash the same, as illegal and unlawful and thereby directing the respondents to abide the terms and conditions of contract by invoking Arbitration, clause.

For Petitioner : Mr. F.X. Eugene

O R D E R

This writ petition is filed challenging the communication dated 26.12.2016, issued by the first respondent, wherein and whereby the first respondent wanted to remove the certain materials from the premises of the petitioner.

2.It is stated by the petitioner that he is a licensee under the respondent Corporation to run a petrol outlet and in the agreement entered between the parties, there is an arbitration clause for resolving all the disputes.



3. When that being the admitted position, the petitioner cannot invoke the jurisdiction of this Court under Article 226 of the Constitution of India, without resorting to Section 9 of the Arbitration and Conciliation Act, seeking for any interim relief, pending initiation of the Arbitration proceedings. Therefore, the petitioner has to resort to only such course of action as provided under the above said Act before the appropriate forum.

4. Accordingly, this writ petition is disposed of, with liberty to the petitioner to initiate appropriate proceedings under the Arbitration and Conciliation Act in the manner known to Law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

vs

To

1. The Senior Divisional Retail Sales Manager,
Indian Oil Corporation Ltd, Madurai Divisional Office,
No.2, Race Course Road, Chokkikulam,
Madurai - 625 002.
2. The Managing Director, Indian Oil Bhavan,
G9, Ali Yavar Jung Marg, Bandar (east)
Mumbai - 400 051.

+1CC to Mr.F.X.Eugene, Advocate Sr.No.3731

GJM/CM/MSA/7.2.17-2p-4C

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