



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) Nos.14808 to 14814 of 2017

and

W.M.P. (MD) Nos.11646 to 11652, 14746 to 14748 of 2017

1. M/S.SRI MOOKAMBIKAI GAS AGENCY
NO.32-A, KAMARAJAR SALAI, CAUVERY NAGAR,
KULITHALAI - 639 104, KARUR DISTRICT,
REP. BY ITS PROPRIETOR M.R.VENKATESH ... PETITIONER IN
W.P.(MD) NO.14808 OF 2017
2. M/S.SINDHU INDANE GAS AGENCY
NO.94 MAIN ROAD SOUTH SIDE GOVT.BOYS
HIGHER SECONDARY SCHOOL PULIANGUDI 627 855
REP.BY ITS PROPRIETOR V. SHANMUGA SUNDRAI. ... PETITIONER IN
WP(MD) No.14809 of 2017
- 3 M/S.SRI SUBAM GAS AGENCIES
101/4 NORTH CAR STREET CHIDAMBARAM - 608 001
REP. BY ITS PARTNER S.PUKAZHENDHI.... PETITIONER IN
WP(MD) No.14810 of 2017
- 4 M/S.SRI MURUGAN ENTERPRISES
NO.59/26 MOTHILAL STREET KUMBAKONAM 612 001
REP. BY ITS PARTNER SM.KARTHIKEYAN.... PETITIONER IN
WP(MD) No.14811 of 2017
- 5 M/S.SIVASAKTHI GAS SERVICE
12/B/4 RAJAMBAL NAGAR ANNA NAGAR 1ST
STREET KALLAKURICHI - 606 202 REP. BY ITS
PARTNER V.KUMUTHA ... PETITIONER IN
WP(MD) No.14812 of 2017
- 6 M/S.BHAVANI AGENCIES
INDANE DISTRIBUTOR NO.11-D PERUMANDI MAIN
ROAD KUMBAKONAM 612 002 REB.BY ITS
PROPRIETOR S.SETHURAMAN. ... PETITIONER IN
WP(MD) No.14813 of 2017
- 7 M/S.KALYANI GAS AGENCIES
NO.122R ANGARAI MAIN ROAD LALGUDI TRICHY - 621 703
REP. BY ITS PARTNER R.MANIKANDAN.... PETITIONER IN
WP(MD) No.14814 of 2017



1. MINISTRY OF PETROLEUM AND NATURAL GAS, A-WING,
SHASTRI RAJENDRA PRASAD ROAD,
AZAD BHAWAN ROAD, IP ESTATE,
NEW DELHI-110 002.

2. THE INDIAN OIL CORPORATION,
REP. BY ITS MANAGING DIRECTOR,
G-9, ALI YAVAR, JUNG MARG, BANDRA (EAST),
MUMBAI-400 051. ... 1ST AND 2ND RESPONDENTS IN ALL WPS

3. THE CHIEF AREA MANAGER,
INDIAN OIL CORPORATION LTD.,
INDANE AREA OFFICE,
B-35, II FLOOR, TRIVENI COMPLEX,
SASTRI ROAD, THILLAINAGAR,
TRICHY- 16.

...3RD RESPONDENT IN WPS
14808 AND 14810 TO 14814 OF 2017

THE CHIEF AREA MANAGER ,
INDIAN OIL CORPORATION LTD, INDANE AREA
OFFICE NO.2, RACE COURSE ROAD, CHOKKIKULAM,
MADURAI 625 002.

...3RD RESPONDENT IN
W.P.(MD) NO.14809 OF 2017

common Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the Respondents, their men, servants or agents or anyone claiming under them from in any manner compelling the petitioner to transfer the petitioner's LPG consumers to any new / other Distributor.

For all Petitioners	:	Mr.C.Mahadevan
For R1 in all WPs	:	Mr.S.Jeyasingh
For R2 & R3 in all WPs	:	Mr.K.Muraleedharan

C O M M O N O R D E R

These writ petitions have been filed, seeking to forbear the respondents, their men, servants or agents or anyone claiming under them from in any manner compelling the petitioners to transfer the petitioner's LPG consumers to any new / other Distributor.

2. Heard the learned counsel for the parties. By consent on either side, these writ petitions are taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/> At this juncture, the learned counsel for the respondents would submit that when the similar issue came up for



consideration before the Hon'ble Division Bench of this Court in **P.Radhakrishnan vs. Union of India and others [W.P.(MD) No.12607 of 2017]** decided on 07.07.2017, while dismissing the said writ petition, it has been observed as follows:

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"3.The Petroleum Companies are empowered to transfer the consumers from one distributorship to another distributorship, in case, within the jurisdiction there are customers more than the ceiling. Such being the position, there is no merit in the contention taken by the petitioner.

4. We deprecate the practise of filing writ petition, immediately after making representation.

5. We dismiss the writ petition with cost quantified at Rs.5.000/-....."

Therefore, it is prayed that these writ petition have to be dismissed at the threshold with costs.

4. The right of transfer of customers from one distributorship to another distributorship is vested with the respondent Corporation and the same has been duly affirmed by the Hon'ble Division Bench of this Court in the case afore-stated. There is no quarrel with the above proposition. But, at the same time, it should be remembered that without informing as to whether the petitioner agencies have exceeded the ceiling limit, the respondent Corporation cannot unilaterally transfer its customers, which not only affects the agencies, but is also detrimental to the interest of customers.

5. Therefore, all these writ petitions are disposed of, directing the respondents to issue notice to the petitioners before effecting transfer and thereafter, pass necessary orders on the matter in one way or the other within a period of two weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioners. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. MINISTRY OF PETROLEUM AND NATURAL GAS, A-WING,
SHASTRI RAJENDRA PRASAD ROAD,
AZAD BHAWAN ROAD, IP ESTATE,
NEW DELHI-110 002.



2. THE INDIAN OIL CORPORATION,
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INDIAN OIL CORPORATION LTD, INDANE AREA,
OFFICE NO.2, RACE COURSE ROAD, CHOKKIKULAM,
MADURAI 625 002.

+7cc to Mr.Al.Gandhimathi, Advocate Sr.No.83460

+1cc to Mr.K.Muraleedharan, Advocate Sr.No.83654

+1cc to Mr.S.Jeyasingh, Advocate Sr.No.83543

+2cc to Mr.B.Saravanan, Advocate Sr.No.83487,83486

AR

VB/MR/KKR/SAR2/17/11/2017/4P/16C

W.P(MD) Nos.14808 to 14814 of 2017

24.10.2017