



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) Nos.18923 to 18927, 18183, 18065,
17781, 17782, 17637, 17158 of 2017

and

W.M.P. (MD) Nos.15259 to 15263, 14635, 14519,
14329, 14330, 14194, 13731 of 2017

M/S.RADHA GAS SERVICE,
THROUGH ITS PROPRIETOR,
MR.R. BALASUBRAMANIAN, NO.8,
CHETTY STREET, PANRUTI- 607106,
CUDDALORE DISTRICT.

... Petitioner(s) in WP(MD). 18923/ 2017

M/S.IMAYAM GAS SERVICE,
THROUGH ITS PROPRIETOR,
MR.R.P.IMAYAVARAMBAN, NO.4/388,
ELLIS CHATRAM ROAD,
VALUDARREDDY, VILLUPURAM DISTRICT.

... Petitioner in WP(MD). 18924/ 2017

M/S.CHINNASALEM BHARATGAS SERVICES,
THROUGH ITS PROPRIETOR, S.JAYAVEL, NO.1,
RAMACHANDRA NAGAR, MOONGILPADI ROAD,
CHINNASALEM - 606 201, VILLUPURAM DISTRICT.

... Petitioner in WP(MD). 18925/ 2017

M/S.ANUPA GAS AGENCY,
THROUGH ITS PROPRIETRIX MRS.ANURADHA PARTHASARATHY,
19-C-3, RAJAJI NAGAR, ARIYALUR-621 713,
ARIYALUR DISTRICT.

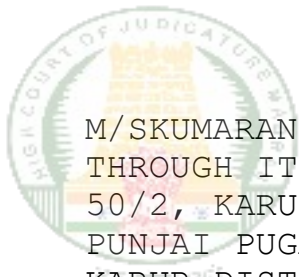
... Petitioner in WP(MD). 18926/ 2017

M/S.PACHAYAMMAN BHARAT GAS AGENCY,
THROUGH ITS PROPRIETOR, MR.T.ARIVURAJA,
NO.38A, GANAVINAYAGAR STREET,
KATTUMANNARKOIL-608301, CUDDALORE DISTRICT.

... Petitioner in WP(MD). 18927/ 2017

SREE USHA GAS AGENCY,
REP. BY ITS PARTNER D.DHANARAJAN,
NO. 205, 43 PERAIYUR ROAD, USILAMPATTI,
MADURAI DISTRICT.

... Petitioner in WP(MD). 18183/ 2017



M/SKUMARAN BHARATGAS SERVICE,
THROUGH ITS PROPRIETOR MR.P.SUBRAMANIAN,
50/2, KARUR MAIN ROAD, NEAR UZHAVAR SANDHAI VELAYUDAMPALAYAM,
PUNJAI PUGALUR-639 117,
KARUR DISTRICT.

... Petitioner in WP(MD). 18065/ 2017

SWETHA BHARAT GAS AGENCY,
THROUGH ITS PROPRIETOR, M.MANIMARAN,
6B, NORTH KURUMBAR STREET,
METTUPALAYAM ROAD,
TATTAYANGARPETTAI - 621 214,
TRICHY DISTRICT.

... Petitioner in WP(MD). 17781/ 2017

SRI.SASTHA BHARATGAS AGENCY,
THROUGH ITS PROPRIETOR, MR.M.PALANIAPPAN,
THIRUNALLUR, MULLAIYUR POST,
ILLUPUR TK, PUDUKKOTTAI DISTRICT.

... Petitioner in WP(MD). 17782/ 2017

SRI CHAKRA ENTERPRISES,
THROUGH ITS PROPRIETOR,
MR.G.RAVINDRAN, S/O.A.GURUSAMY RAJA,
119, RAILWAY FEEDER ROAD,
TENKASI 627 811, TIRUNELVELI DISTRICT.

... Petitioner in WP(MD). 17637/ 2017

THIRUPATHI GAS SERVICE,
THROUGH ITS PARTNER,
MR.V.SRINIVASAN, 5/7,
THEPPAKULAM STREET,
ETTAYAPURAM, TUTICORIN DIST - 628 902.

... Petitioner in WP(MD). 17158/ 2017

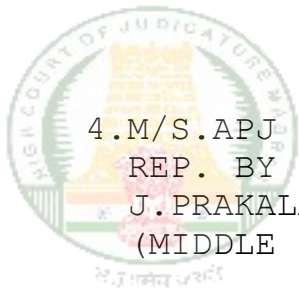
- Vs. -

1.UNION OF INDIA,
REP. BY THE SECRETARY,
MINISTRY OF PETROLEUM AND NATURAL GAS,
SHASTRI BHAVAN, NEW DELHI.

2.THE REGIONAL LPG MANAGER,
BHARAT PETROLEUM CORPORATION LTD.,
NO.1, RENGANATHAN GARDEN OFF 11TH MAIN ROAD,
ANNA NAGAR WEST, CHENNAI-40.

3.THE TERRITORY LPG MANAGER,
BHARAT PETROLEUM CORPORATION LTD.,
SANATORIUM PO., SENGIPATTI, THANJAVUR- 613401.

... Respondents No.1 to 3 in W.P(MD)Nos.18923 to
18927,18065,17781,17782/2017



4.M/S.APJ BHARATGAS AGENCY,
REP. BY ITS PROPRIETOR,
J.PRAKALATHAN, NO.32N, GANDHIPURAM WEST,
(MIDDLE STREET) SENGUNTHAPURAM POST, KARUR-639 002.

(R4 IS IMPEADED VIDE COURT ORDER DT.25/10/17 IN WMP(MD)15820/17)

...4th Respondent in WP(MD). 18065/ 2017

1.UNION OF INDIA,
REP. BY THE SECRETARY,
MINISTRY OF PETROLEUM AND NATURAL GAS,
SHASTRI BHAVAN, NEW DELHI.

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

... Respondents No.1 and 2 in WP(MD)Nos. 18183,17637
and 17158/ 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 Petitioners in WP(MD)
Nos.18923 to 18927,
18065, 17781, 17782 of 2017

: Mr.S.Ramesh
For Mr.A.Haja Mohideen

For Petitioner in WP(MD) Nos.18183,
17158, 17637 of 2017

: Ms.N.Krishnaveni,
Senior Advocate
For Mr.A.Haja Mohideen

For R1 in WP(MD) Nos.18923
to 18927 of 2017

: Mr.C.Nandagopal

For R1 in WP(MD) Nos.17637, 17158,
17782 of 2017

: Mrs.L.Victoria Gowri

For R1 in WP(MD) Nos.18065,
18183 of 2017

For R2 in WP(MD)No.18065/2017

: Mr.R.Murugappan

<https://hcservices.ecourts.gov.in/hcservices/>

For R1 in WP(MD) No.17781 of 2017

: Mr.R.Arjunarajan



For R2 & R3 in WP(MD) Nos.18923 to 18927,
18065,17781, 17782 of 2017

: Mr.S.Natesh Raja

For R2 in W.P.(MD).Nos.17637, 17158,
18183 of 2017

: Mr.K.Muraleedharan

For R4 in WP(MD) Nos.18065 of 2017

: Mr.B.Saravanan

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.

3. 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:

"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 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

/True Copy/

Sub Assistant Registrar

To

1. UNION OF INDIA,
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MINISTRY OF PETROLEUM AND NATURAL GAS,
SHASTRI BHAVAN, NEW DELHI.
 2. THE REGIONAL LPG MANAGER,
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 3. THE TERRITORY LPG MANAGER,
BHARAT PETROLEUM CORPORATION LTD.,
SANATORIUM POST, SENGIPATTI, THANJAVUR- 613401.
 4. THE CHIEF AREA MANAGER,
INDIAN OIL CORPORATION LTD.,
INDANE AREA OFFICE NO.2 RACE COURSE ROAD,
CHOKKIKULAM MADURAI-2.
- +1cc to M/s.L.VICTORIA GOWRI Advocate in SR. No. 84340
+2cc to Mr.R.MURUGAPPAN Advocate in SR. No. 84277,84278
+3cc to Mr.S.NATESH RAJA Advocate in SR. No. 84132 to 84134
+1cc to Mr.R.ARJUNARAJAN Advocate in SR. No. 84185
+1cc to Mr.B.SARAVANAN Advocate in SR. No. 84304
+11cc to Mr.A.HAJA MOHIDEEN Advocate in SR. No. 84195
+1cc to Mr.K.MURALEEDHARAN Advocate in SR. No. 84335

RM

JS/SKN.RSK/SAR.3/9.11.2017/5P-25C

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