



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2018

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.12942 of 2018

WEB COPY

S.Sekar

... Petitioner

Vs.

1. The Territory Manager,
Bharat Petroleum Corporation Ltd.,
Tuticorin,
Tuticorin District.

2. Varalakshmi
D/o Perumalsamy
Proprietor of Sri Ramana Bharat Gas,
No.5/395 (5) Narikudi Main Road,
Thiruchuli,
Virudhunagar District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to cancel the license granted to the second respondent.

For Petitioner : Mr.P.Subbaraj

For Respondents : Mr.S.Natesh Raja for R1

Mr.T.Lajapathy Roy for R2

O R D E R

The petitioner seeks for a direction to the first respondent to cancel the license granted to the second respondent.

2.The case of the petitioner is that the second respondent in order to obtain LPG distributorship against the physically handicapped quota, had approached him for financial assistance and support. In response to the request, the petitioner appears to have invested some amount towards obtaining distributorship from the first respondent.

3.According to the petitioner, the petitioner and the second respondent had entered into an agreement on 06.11.2013 for share of a profit in regard to the income derived from the LPG distributorship. However, it appears that after May 2018, the second respondent had gone back on her promise and violated the terms of the agreement entered between the petitioner and herself. Therefore, the petitioner is before this Court seeking a direction to the first respondent to cancel the license.



4.This Court is unable to see how such a writ petition could be filed in matters of dispute which is purely civil in nature as between the petitioner and the second respondent. In case, the petitioner is aggrieved by the conduct of the second respondent towards nonfulfillment of any promise extended by her to the petitioner, it is always open to the petitioner to approach the competent civil Court to establish his claim as against the second respondent in respect of any understanding entered into between them. However, it is certainly not open to the petitioner to invoke the writ jurisdiction of this Court for settlement of private dispute. The writ petition is filed only to settle scores with the second respondent in regard to certain financial transactions which had taken place between them and therefore, this Court cannot get involved in such private dispute as between the petitioner and the second respondent.

5.For the above said reason, this Court is of the considered view that this writ petition is not maintainable and therefore, the same is dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-II)

+1cc to Mr.P.Subbaraj, Advocate Sr.No.84103

+1cc to Mr.S.Natesh Raja , Advocate Sr.No.84434

SKN

VB/PM/SAR2/05.10.2018/2P/3C

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