



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.03.2018
CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.A(MD)No.1456 of 2017
and
C.M.P(MD)Nos.11186 and 11187 of 2017

Thirupathi Gas Service,
through its Partner,
Mr.V.Srinivasan,
5/7, Theppakulam Street,
Ettayapuram,
Tuticorin Distirct - 628 902.

: Appellant

Vs.

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 - 625 002.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent,
praying to call for the records in W.P.(MD)No.17158 of 2017 dated
30.10.2017 and set aside the same.

Prayer in WP(MD). 17158/ 2017 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court 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 petitioners LPG Consumers to any
new/other Distributor, within a period stipulated by this Hon'ble
Court.

For Appellant

: Ms.Alice for
Mr.A.Haja Mohideen

For Respondent No.1

: Mr.C.Nandagopal

Central Government Standing Counsel



For Respondent No.2 : Mrs.Hema Sampath
Senior Counsel for Mr.K.Muralidharan

JUDGMENT

[Judgment of the Court was delivered by M.SATHYANARAYANAN, J.]

The petitioner and other similarly placed persons filed Writs of Mandamus, forbearing the respondents in any manner compelling the petitioners to transfer their LPG consumers to any new or other distributors and it was disposed of by directing the respondents to issue notices to the petitioners therein before effecting transfer and thereafter, pass necessary orders within a stipulated time and challenging the legality of the same, the present writ appeal is filed and the other writ petitioners also made a challenge to the said order. In the light of the new development and also decisions in the form of circular dated 04.01.2018, the connected writ appeals were dismissed as withdrawn with liberty granted to them to make a challenge to the said circular.

2.It is to be noted at this juncture that with regard to the impugned circular dated 04.01.2018, the petitioner made a challenge by filing W.P.(MD)No.1963 of 2018 and it was dismissed by this Court.

3.In the light of the challenge made to the new circular in the form of writ petition which was also dismissed, in the considered opinion of this Court, nothing survives for further adjudication in this writ appeal.

4.In the result, the writ appeal stands dismissed, accordingly. However, in the circumstances of the case, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To
The Secretary, Union of India,
Ministry of Petroleum and Natural Gas,
Shastri Bhavan, New Delhi.
+One cc to M/s.C.Nandagopal, ADVocate, SR.No.55320
+One cc to M/s.A.Haja Mohideen, Advocate, SR.No.55214
+One cc to M/s.K.Muraleedharan, Advocate, SR.No.55075
MR
RL/5C/2P/CVC/SAR1/2/4/2018