

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.01.2019

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.2055 of 2019

M/s. Raju & Sons,
Indian Oil Dealer,
Represented by its Proprietor,
Mr.Ramesh Raju,
No.592/1A, Karathahalli (V),
Kadamadai,
Palacode Taluk,
Dharmapuri District. ...Petitioner

Vs.

1. The General Manager,
Indian Oil Corporation,
Indian Oil Bhavan,
No.139, Nungambakkam High Road,
Chennai - 34.
2. The Chief Divisional General Manager (RS),
Indian Oil Corporation,
(Marketing Division) Salem Divisional Office,
No.234, 1st Floor, NH 7,
Salem - Bangalore Bypass Road,
Kondalampatti,
Salem - 636 010. .. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to dispose of the petitioner's representation dated 22.12.2018 and permit the petitioner to continue the petitioner's dealership and to run the outlet. In accordance with law, within the time frame fixed by this Court.

For Petitioner : Mr.K.G.Senthil Kumar
For Respondents : Mr.Md.Fayaz Ali

O R D E R

By consent of both parties, the Writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has come up with this writ petition seeking a direction to the second respondent to dispose of his representation dated 22.12.2018 and permit them to continue the dealership and to run the outlet, in accordance with law.

3. According to the learned counsel for the petitioner, the petitioner is the Proprietor of M/s.Raju and Sons and was running a retail outlet business and the dealership was granted by the first respondent on 28.12.2016 to run a petrol pump. On 31.08.2018, an inspection was carried out in his outlet by the Indian Oil Corporation officials from QRC, Southern Region. During the said inspection, certain irregularities came to be observed that the petitioner is having positive stock variation beyond permissible limits by 2896 liters, which is a violation and an irregularity of MDG, 2012. Hence the officials of QRC, Southern region has suspended the sales from all the 4 nozzles from petitioner's outlet, by issuing a show cause notice dated 03.09.2018, for which, the petitioner has replied on 21.09.2018. Once again, the petitioner received a communication on 15.12.2018, for which also, a detailed reply was given by him on 22.12.2018. Since the said reply/representation was not disposed of by the second respondent, the petitioner is before this Court.

4. Heard Mr.Md.Fayaz Ali, learned Counsel on behalf of the respondents.

5. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the second respondent to consider the petitioner's reply/representation 22.12.2018 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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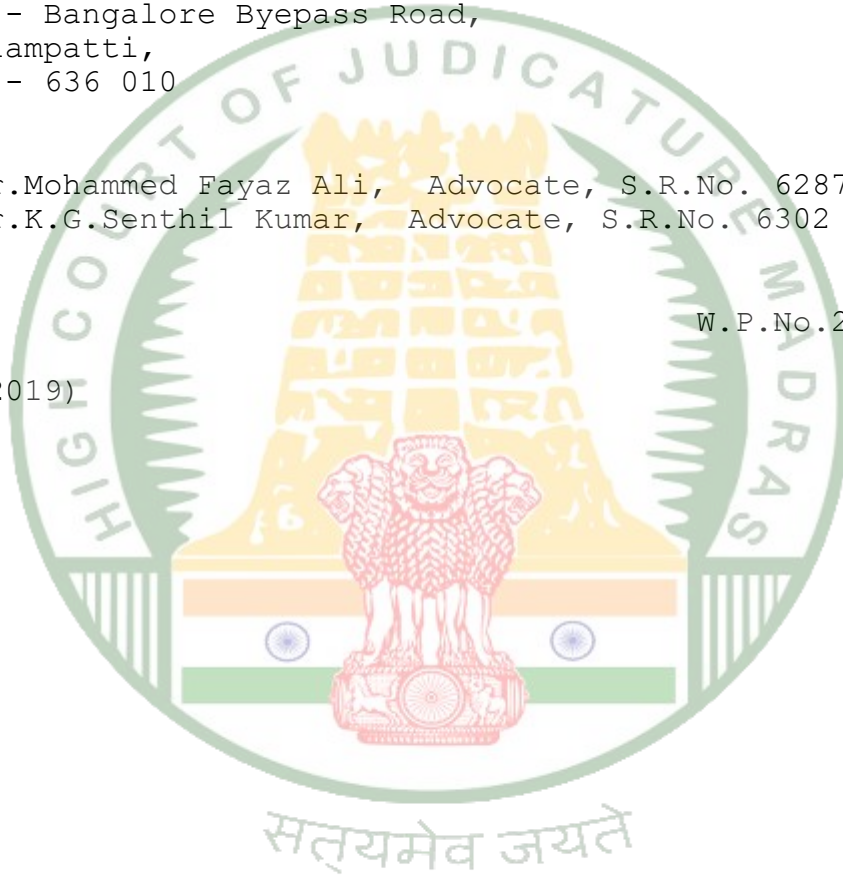
To

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+1cc to Mr.Mohammed Fayaz Ali, Advocate, S.R.No. 6287
+1cc to Mr.K.G.Senthil Kumar, Advocate, S.R.No. 6302

W.P.No.2055 of 2019

GN(06/02/2019)



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