

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. Nos. 5570, 5229 and 5324 of 2018
and
W.M.P. Nos. 6408, 6545 and 6896 of 2018

W.P. No. 5570 of 2018

- 1.Sri Annapurani & Co.
Represented by its Proprietor
V. Nemirajaa
5/1, Arcot Road, Arni 632 301
Thiruvannamalai District.
- 2.Sri Krishna Agencies
Represented by its Proprietrix Sarasu Narayanan
NH 46, Krishnagiri- Ranipet Road
Anpoondi Village
Sathyamangalam Post
Vellore 632 114.
- 3.G.P.R. Agency
Represented by its Proprietor R. Magesh
9, Gandhi Road, Jothi Nagar
Arakkonam 631 003.
- 4.Sri Ram Agencies
Represented by its Proprietrix D. Visalakshi
150, Gandhi Road -3
Arakkonam 631 001.
- 5.Saratha Enterprises
Represented by its Proprietor G. Sivakumar
SH-54, Mathandakuppam
Chittoor-Thiruttani Road
Ponnai 632 520
Vellore District.
- 6.Preetham Agencies
Represented by Proprietor D.Mohan
Mukkundram Village
Venkatapuram Post
Gudiyatham Taluk
Vellore District.

7. Balaji Diesel Virpanai Koodam
Represented by its Proprietor S. Shanmugam
Guruvarajapalayam
Odugathur 632 107.
8. Ganapathy Agencies
Represented by its Proprietor S. Karthikeyan
139, Bangalore Road
Mullipalayam, Vellore 632 008.
9. Shri. J. K. Fuels
Represented by its Proprietor K. Gopalakrishnan
No. 10, Arni Road
Sanakapalayam
Vellore 632 001.
10. Abhayakumar Enterprises
Represented by its Proprietor P. Ashok Kumar
Plot No. 62, M.B.T. Road
SIPCOT, Ranipet 632 403
Vellore District.
11. Sri Dorairaj Agency
Represented by its Proprietor D. Ravichandran
S.No. 36/2B, Sripuram Road
Allapuram
Thoraipadi, Vellore 632 002.
12. Arun Agencies Represented by its Partner M. Kumaresan
313, Vellore Road, Katpadi,
Vellore-632 007.
13. Vinayaga Agencies,
represented by its Partner K.T.A.R Jayakumar,
Katpadi to Thiruvalam E.B. Koot Road,
Thiruvalam 632 515, Katpadi Taluk, Vellore District
14. Sri Venkateswara Enterprises,
represented by its Proprietor V. Ramprasath,
152, Katpadi Road, Viruthampet
Vellore 632 006.
15. R.A.S. Agencies
Represented by its Partner S. Vijayaraghavan
2/247, Ranipet Bye Pass Road
Ranipet 632 513.
16. K. Hajee Mohamed Ilias
Represented by its Proprietor K. Mohamed Asadullah

No.3/8, Kannigapuram
M.C. Road, Ambur 635 802.

17. Sri Panjali Ammal Agency
Rep by its proprietor
SF No.101/1A1, Rasathupuram
Melvisharam 632 509
Vellore District
18. Shree Kumaraan Agencies,
Rep by its Partner V.Sarathi
No.250/2, Odugathur Main Road
Anaicut 632 101
Vellore District.
19. Babaria fuel agency
Rep by its Proprietor Mitesh K.Babaria
Through his Manager Rajendra Prasad Dobhal
Thandalam Village
Kumpinipet
Arakkonam 631 003
Vellore District.
20. Jupiter Agencies
Rep by its Partner P.Karunanidhi
123, M.B.T. Road, Muthukadai
Ranipet 632 401
Vellore district.
21. Lakshmi Agencies
Rep by its Proprietor G.A.Pratheep
Beemanpatti
Mekpatti Road
Guidyatham 63 602.
22. J.V.Agencies
Rep by its Proprietor J.Velayutham
R.S.Road
Parasuramanpatty
Gudiyattam 635803
Vellore district.
23. A.P.L. Agencies,
Rep by its proprietor P.Sundaram
S.No. 259/1A
Venkatapuram
Bank Nagar
Vellore 632009.

24. Sri Leela Vinodhan Agency
Rep by its Proprietor K. Leelavinothan
N.H.234, Pernambut Road
Nellorepet, Gudiyattam 632 602.
25. Sree Krishna Enterprises
Rep by its Partner S. Balakrishna
11-A, Katpadi Road, Gudiyattam 632 602.
26. Sivagami Agencies
Rep by its Proprietor D. Rajasekaran
Chittoor gate, Gudiyattam 632 602.
27. Shri Balaji Agencies
Rep by its Proprietor S. Narendran
No.1, Sholinghur Road
Ammoor 632 501, Vellore District.
28. Shree Nilaa and Co
Rep by its Proprietor R. Padmapriya
S.Nos. 74/2A, 59/2, Musiri Road
T.K. Thangal Village
Wallaja Taluk
Vellore District- 632 513.
29. PNMN Enterprises
Rep by its Proprietrix M. Devi
Survey No.347, Vellore Road
Ari 632 301, Thiruvannamalai District.
30. Rama Agencies
Rep by its Proprietor B. Bhaskaran
3, Arni Road, Vandavasi 604 408.
31. Sri Ranganatha Fuels,
Rep by its Proprietor R. Chandra Gopi
No.113, Thimiri Road
Kavanur 632 507
Arcot Taluk, Vellore District.
32. Bakghiyam Agencies,
Rep by its Proprietor A.N. Murali
Walaja Sholingar Road
Chitathur Village 632 501, Vellore District.
33. Nethaji Agencies,
Rep by its Proprietor S.N. Sivasubramanian
Arakonam Ochari Road
Panapakam - 631 052.

34.Sri Lakshmi Chandra Sekara Service Station
Rep by its Proprietor Krishnama Naidu
S. No.108/9, Bazzar Street
Athimanjeripet
Pallipat Taluk
Thiruvallur District 631 202

35.Shiva Sakthi Agencies,
Rep by its Proprietor R.N.Anuradha
Chittoor Road, K.G.Kandigai 631 206
Tiruttani Taluk, Thiruvallur District

36.Preethi Service Station,
Rep by its Proprietrix S.Santhi
Sholinghur Thiruttani Road
R.K. Pet 631 303
Pallipet Taluk
Thiruvallur District

37.Vetrivel Filling Station,
Rep by its Proprietor B.Chitra
Pallipat Chittoor Road
Pallipat 631 207
Thiruvallur District.

... Petitioners

Vs.

1.Indian Oil Corporation Limited
(Marketing Division)
Represented by its Deputy General Manager
139, Nungambakkam High Road
Chennai - 600 034.

2.The General Manager (Operations)
Indian Oil Corporation Ltd. (M.D.)
139, Nungambakkam High Road
Chennai - 600 034.

3.The Deputy General Manager (Retail Sales)
Chennai Division
Indian Oil Corporation Limited
550, Anna Salai
Teynampet, Chennai - 600 018.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the Respondents herein and their officers from in any manner changing the loading location for the tank trucks of the Petitioner to any Terminal which does not have Top Loading facility.

For Petitioner : Mr. Kandan Duraisami
For Respondents : Mr. Abdul Saleem (For R1 to
R3) Standing Counsel

W.P. No. 5229 of 2018

1. Rajkamal Agencies
Represented by its Proprietor
D. Kamalraj
S.F. No.42/17-B, Thandarai Road
Veraiyur 606 806, Thiruvannamalai Taluk.
2. Sri Senthur Murugan Agencies
Represented by its Proprietor D. Kennedy
Vellore Road, Vengikkal
Thiruvannamalai 606 604.
3. Sami Agencies
Represented by its Proprietor A. Gomathi
S.F. No. 45/12, Kanji Road
Kosalai Village
Thiruvannamalai Taluk - 606 604.
4. Sona Agencies
Represented by its Proprietor S. Vijayalakshmi
1256-A, Main Road, Vinnuvampattu
Kalasapakkam 606 751, Polur Taluk
Thiruvannamalai District.
5. Annapoorani Service Station
Represented by its Partner N. Devarajan
54-D, Tindivanam Road
Thiruvannamalai 606 601. ... Petitioners

Vs.

1. Indian Oil Corporation Limited
(Marketing Division)
Represented by its Deputy General Manager
139, Nungambakkam High Road
Chennai - 600 034.
2. The General Manager (Operations)
Indian Oil Corporation Ltd. (M.D.)
139, Nungambakkam High Road
Chennai - 600 034.

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... Respondents

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For Petitioners: Mr. Kandan Duraisami
For Respondents: Mr. Abdul Saleem (For R1 to R3)
Standing Counsel

W.P. No. 5324 of 2018

- 1.Flying Prince Filling Station
Represented by its Partner D. Manam
SH-18, Koratti, Tirupattur
Vellore District 635 601.
- 2.Praghathi Agencies
Represented by its Proprietor M. Dhakshanamoorthy
S.F. No. 136/3-B, Thiruvannamalai-Kanchi Road
Kanchi, Chengam Taluk
Thiruvannamalai District.
- 3.Sri Krishna Agencies
represented by its Proprietor P. Latha
Arni- Polur Road, Kalambur 606 903
Polur Taluk, Thiruvannamalai District.
- 4.Jayeswary Agency
represented by its Proprietor D.Chakravathy
Sathanur Village 606 706
Thandrampet Taluk
Thiruvannamalai District.
- 5.Raja Agencies
represented by its Proprietor T.R. Hariharasridharan
2/2, Bypass Road, Pudur
Vaniyambadi 635 751.
- 6.Achuthen Automobiles
Represented by its Partner S.P. Thirumalai
No. 75, Palanisamy Road

Tirupattur 635 601, Vellore District.

7.Sri Ranga Agencies

Represented by its Partner S. Ravikumar
100 Krishnagiri Road, Tirupattur
Vellore District - 635 601.

8.Mani Agencies

Represented by its Proprietor D. Sathishkumar
78/C, R.C.S. Main Road
Natarampalli 635 852, Vellore District.

9.J.M.S. Auto Service

Represented by its Partner S. Thirugnaanam
597, Vaniyambadi Road
Asiriyar Nagar
Tirupattur 635 601
Vellore District.

10.Sri Sakthi Amman Agencies

Represented by its Proprietor R. Venkatesaperumal
S.No. 784/3, Salaipudhur, Kothur Post
Nattarampalli Taluk, Vellore District 635 854.

11.Lakshmi Agencies

Represented by its Partner J.Joseph Stephen Dass
NH-66, Pondy-Bangalore Main Road
Thukkapet, Chengam 606 709.

12.Hyder Fuels

Represented by its Managing Partner K.Nifasa Anjum
No.2/169-1, Kari Raman Vattam
Kathari Village, Authurkuppam Post
Natrampalli 635 852
Vellore District.

13.Neeraja Agencies

represented by its Proprietor M. Ravichandran
170/2C, Main Road, Kandili 635 901
Vellore District.

... Petitioners

Vs.

1.Indian Oil Corporation Limited

(Marketing Division)

Represented by its Deputy General Manager
139, Nungambakkam High Road
Chennai - 600 034.

2.The General Manager (Operations)
Indian Oil Corporation Ltd. (M.D.)
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... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the Respondents herein and their officers from in any manner changing the loading location for the tank trucks of the Petitioner to any Terminal which does not have Top Loading facility.

For Petitioner : Mr. Kandan Duraisami

For Respondents : Mr. Abdul Saleem (For R1 to R3)
Standing Counsel

C O M M O N O R D E R

These Writ Petitions have been filed to forbear the Respondents from changing the loading location for the tank trucks of the Petitioners to any Terminal which does not have Top Loading facility.

2. It was informed by the Learned Standing Counsel appearing for the Respondents during the earlier hearings that the representations made by the Petitioners before filing of the Writ Petitions were under consideration by the Board of Directors of the Respondents. Today, it is informed that those representations have been considered and disposed by the orders dated 20.08.2019 and copy of the same has been produced. The Learned Counsel appearing for the Petitioners has also acknowledged its receipt.

3. In view of the aforesaid subsequent developments, the Learned Counsel for the Petitioners seeks permission of this Court to withdraw the Writ Petition with liberty to challenge the orders dated 20.08.2019, if the Petitioners are still aggrieved, before the appropriate forum and he has made an endorsement to that effect, which is recorded.

4. Accordingly, these Writ Petitions are dismissed as withdrawn, granting such liberty. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

maya/gsa

To

1. Indian Oil Corporation Limited
(Marketing Division)
Represented by its Deputy General Manager
139, Nungambakkam High Road
Chennai - 600 034.
2. The General Manager (Operations)
Indian Oil Corporation Ltd. (M.D.)
139, Nungambakkam High Road
Chennai - 600 034.
3. The Deputy General Manager (Retail Sales)
Chennai Division
Indian Oil Corporation Limited
550, Anna Salai
Teynampet, Chennai - 600 018.

+3cc to Mr.Muthumani Duraisami Advocate, S.R.No.75093

NMI (CO)
CB(24/09/2019)

W.P. Nos. 5570, 5229 & 5324 of 2018