

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.11524 of 2020

and

WMP No.14090 of 2020

Kabilan Trading Company,
(Kerosene Wholesale Dealer of Indian Oil Corporation Limited)
a partnership firm represented by partner Mr.A.Kalaimani,
1/B, Thennagudipalayam Road,
"Kabilan Kottai" Mullaivadi,
Attur 636 141, Salem District. ...Petitioner

Vs.

- 1.District Revenue Officer,
Salem District, Salem.
- 2.District Collector,
Salem District.
- 3.District Supply and Consumer Protection Officer,
Salem District, Salem.
- 4.Appa Trading Company,
(Kerosene Wholesale Dealer of Hindusthan Petroleum Corporation)
A partnership firm represented by its
Managing Partner Ranganathan,
Doing business at ATC Buildings,
Lee Bazaar, Shevvapettai, Salem Town.
- 5.The Commissioner of Civil Supplies,
Ezhilagam,
Chepauk,
Chennai 600 005. ...Respondents

Prayer ..

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus to direct the first and second respondents to allot sufficient and required quantity of kerosene for supply to fair price shops in Old Combined Attur Taluk)presently Attur Revenue Taluk, Gengavalli revenue taluk and Pethanaickenpalayam revenue taluk) commencing from August

2020 taking into consideration the petitioner's representation dated 03.01.2020, 25.05.2020 and 01.06.2020 that too as expeditiously as possible.

For Petitioner : Ms.AL.Gandhimathi for
M/s.A.S.Vijayaragavan
For Respondents : Mr.R.Vijayakumar for R1 to 3, 5
Additional Government Pleader
Mr.M.Baskar for R4

O R D E R

This matter is taken up for hearing through Video Conferencing mode.

2. Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for the respondents 1 to 3 and 5. Mr.M.Baskar, learned counsel takes notice for the fourth respondent.

3. The petitioner seeks for a mandamus to direct the first and second respondents to allot sufficient and required quantity of kerosene for supply to fair price shops in Old Combined Attur Taluk) presently Attur Revenue Taluk, Gengavalli revenue taluk and Pethanaickenpalayam revenue taluk) commencing from August 2020 taking into consideration the petitioner's representation dated 03.01.2020, 25.05.2020 and 01.06.2020.

4. According to the petitioner, sufficient quantity of kerosene is not given to the petitioner for supply to fair price shops in the area allotted to them and on the other hand, the fourth respondent who, according to the petitioner, is not at all a dealer in that area is being allotted the kerosene. Thus, the grievance of the petitioner is that the petitioner must be provided sufficient and required quantity of kerosene and the supply to the fourth respondent should be stopped for the area, where they are not the dealer.

5. This Court, at this stage, is not expressing any view on the merits of the contentions raised by the petitioner, as it is seen that the petitioner has already made representations dated 03.01.2020, 25.05.2020 and 01.06.2020, before the official respondents, ventilating such grievance. Therefore, the concerned official viz., the second respondent has to consider the representations of the petitioner dated 03.01.2020, 25.05.2020 and 01.06.2020 and pass orders on merits and in accordance with law, after hearing the petitioner and the fourth respondent. It is open to the petitioner and 4th respondent to place all the materials before the District Collector, Salem, at

the time of hearing the matter. The District Collector shall consider and pass orders, as directed supra on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The Writ Petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi/vri

To

- 1.District Revenue Officer,
Salem District, Salem.
- 2.District Collector,
Salem District.
- 3.District Supply and Consumer Protection Officer,
Salem District, Salem.
- 4.The Commissioner of Civil Supplies,
Ezhilagam,
Chepauk,
Chennai 600 005.

W.P.No.11524 of 2020

VG II(CO)
KKV/27/08/2020

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