

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.33656 of 2019

and

W.M.P.Nos.34122 & 34123 of 2019

M/s.S.S.Ramachandiran Agency
HPCL Retail Dealer
represented by Sole Proprietrix
Mrs.S.R.Thilagavathi,
aged about 60 years, Wife of Ramachandran
50, Annavasal Road,
Nedungadu, Karaikal,
Pondicherry union Territory Petitioner

vs

The Deputy General Manager-Retail Region
Hindustan Petroleum Corporation Ltd.,
having its Regional Office in
Door No.90, 2nd Floor,
MDSR Enclave,
Bharatidasan Road,
Cantonment,
Trichy - 620 001 Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the file of the respondent in Ref:RTRRO/Legal/SCN, dated 15.07.2019 and quash the same as illegal and unconstitutional and further direct the respondent to effect supply to the petitioner's outlet carried out in the name and style of M/s.S.S.Ramachandiran Agency situate at 50, Annavasal Road, nedungagu, Kariakal, Pondicherry Union Territory.

For Petitioner : Mr.T.Saikrishnan
For Respondent : Mr.M.Vijayan
for M/s.King & Patridge

O R D E R

Challenge made in this Writ Petition is against the proceedings dated 15.07.2019, which is nothing but a show cause

notice issued on the petitioner to show cause as to why further action shall not be taken including termination of dealership agreement dated 31.10.2015.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. This Court, at this stage, is not inclined to express any view on the merits of the allegation made in the show cause notice as well as the contentions raised by the petitioner in this writ petition on the sole reason that this Court is of the firm view that the challenge made against the show cause notice issued by the competent authority cannot be entertained as it is for the petitioner to give suitable reply to the same and contest the matter before the authority.

4. Mr.Saikrishnan, learned counsel for the petitioner submitted that they have already given a reply and therefore, without even considering the reply and passing an order, the respondent is not entitled to stop the supply.

5. Again, this Court is not expressing any view on the merits of the contentions raised by the petitioner as it is seen that the reply was already given before the respondent pursuant to the receipt of the impugned show cause notice. Therefore, the respondent has to pass an order on merits and in accordance with law, after giving due opportunity of hearing to the petitioner. Such exercise shall be done by the respondent within a period of three weeks from the date of receipt of a copy of this order. As this Court is not expressing any view on the merits of the claim made by the petitioner, it is open to the petitioner to raise all the contentions before the respondent at the time of hearing. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते

Sd/-

Assistant Registrar

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Sub Assistant Registrar

vsi

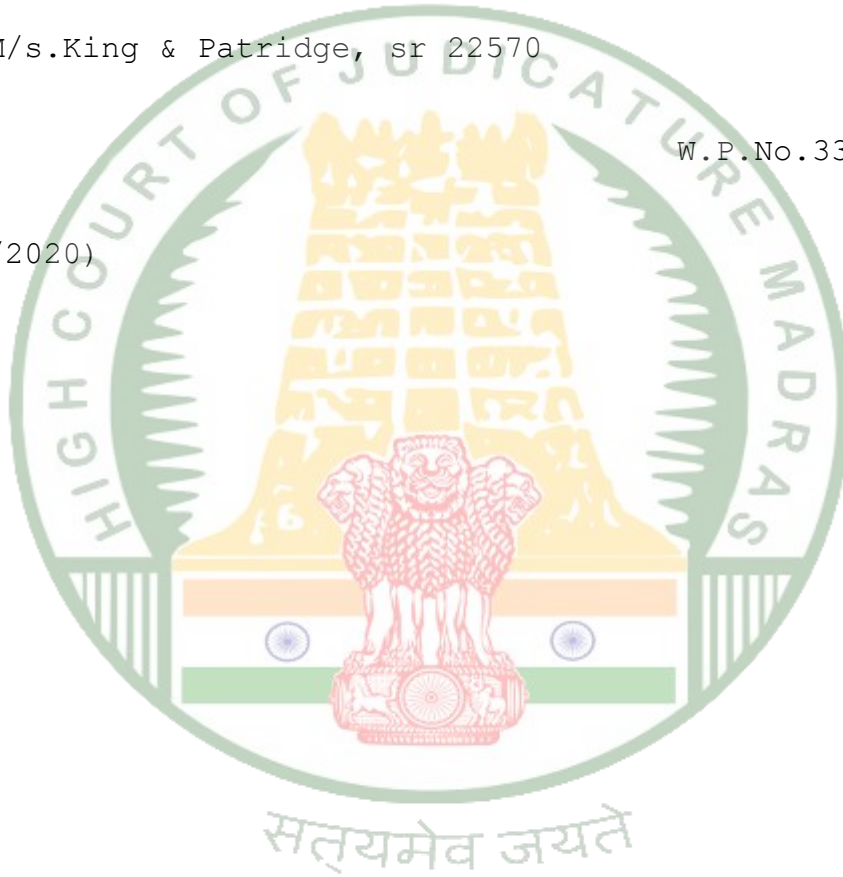
To

The Deputy General Manager-Retail Region,
Hindustan Petroleum Corporation Ltd.,
Regional Office at
Door No.90, 2nd Floor,
MDSR Enclave,
Bharatidasan Road,
Cantonment,
Trichy - 620 001.

+1 CC to M/s.King & Partridge, sr 22570

W.P.No.33656 of 2019

KS (CO)
AT (22/05/2020)



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