



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.15492 of 2011

and

M.P.No.1 of 2011

Mrs. T.Saraswathi
Proprietrix M/s. Sri Selliamman Bhararatgas Agency
No.47/4, Muthurajan Street,
Chengelpet
Kancheepuram District - 603 001 ... Petitioner

Vs.

1.The Territory Manager (LPG)
Bharat Petroleum Corporation Ltd (BPCL)
11th Main Road,
No.1, Ranganathan Gardens,
Chennai-600 040 ... Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, or any other appropriate writ or order or direction in the nature of the writ to call for the records on the file of the Respondent relating to the show cause notice CHN:LPG SRI SELLIAMMAN dated 25.04.2011 and quash the same and directing the Respondent herein to consider the explanation / reply of the Petitioner date 13.06.2011.

For Petitioner : Mr.Varun Srinivasan

For Respondent : O.S.Karthikeyan

O R D E R

The show cause notice dated 25.04.2011 issued by the respondent is sought to be quashed and the petitioner seeks a direction, directing the respondent to consider the explanation submitted by the writ petitioner on 13.06.2011.



2. The petitioner is a widow and her husband was employed in the Indian Army in the Rank of Lance Naik. The husband of the petitioner died on 07.03.2004 while he was serving at Siachen Glacier (Border) as a defense personnel. Under those circumstances, the petitioner submitted an application for grant of LPG Distributorship and it was granted subsequently.

3. The respondent, Bharat Petroleum Corporation Ltd., questioned the documents filed by the petitioner by stating that some of the documents are forged and issued a show cause notice. The petitioner narrates several factors which deserves no adjudication in the hands of this Court at this juncture, as the writ petition is filed challenging the show cause notice.

4. No Writ proceedings needs to be entertained against the show cause notice in a routine manner. The Writ against the show cause notice needs to be entertained only if such show cause notice issued by an incompetent authority having no jurisdiction or an allegation of malafide or rights against any authority. Even in such circumstances, such authority must be impleaded as party / respondent in their personal capacity. In all other circumstances, the show cause notice must be responded allowing the authority to consider the explanation / objection to be filed by the person against whom the show cause notice was issued.

5. In the present case, there was a complaint against the petitioner stating that some fake documents were submitted. Based on that the respondent, Oil Corporation issued show cause notice. The petitioner states that she has submitted an explanation and the said explanation has not been considered. Thus, the petitioner is constrained to move the present writ petition. Pursuant to the interim orders granted in the present case, the petitioner is continuing the LPG distributorship.

6. The petitioner submitted an explanation on 13.06.2011. This being the factum established, the respondent is bound to consider the explanation and take a final decision and pass appropriate orders on merits and in accordance with law.

7. Under these circumstance, the petitioner is permitted to submit a copy of the explanation along with the additional explanation and the documents if any, to the respondent within a period of four weeks from the date of receipt of a copy of this order. On receipt of a copy of such explanation and additional explanations / documents if any, the respondent is directed to



consider the documents / explanations and pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that till final orders are passed by the respondent, no coercive action shall be taken against the petitioner.

8. With these observations, the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is also closed. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

shr/Kan
To

The Territory Manager (LPG)
Bharat Petroleum Corporation Ltd (BPCL)
11th Main Road,
No.1, Ranganathan Gardens,
Chennai-600040.

+2cc to Mr.N.V.S & Associates, Advocate Sr.59344

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and
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