

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH
and
The Hon'ble Mr. Justice V.SIVAGNANAM

W.P.No. 11990 of 2003

1. Ansat Impex India Private Ltd.,
Rep. by its Director K.Padma,
2, Anusya Avenue, Ormes Road,
Chennai - 20.
 2. Yeses International Limited,
Rep. by its Managing Director,
8 Shanmugham, Renganathan Avenue,
Chennai - 10.
 3. M/s.Millennium Petroleum Limited,
Rep. by its Director Mr.Ganapathy,
Krishnan, 2, Anusya Avenue,
Ormes Road, Kilpauk,
Chennai - 10.
- ...Petitioners

Vs.

1. The Union of India,
Rep. by its Secretary to Government,
Ministry of Petroleum, New Delhi.
2. The Joint Director (Investigation),
Office of the Director General of
Anti-Adulteration Cell
(Ministry of Petroleum and Natural Gas),
Sanrakshan Bhavan, 10, Bikaji Camaplace,
New Delhi - 66.
3. The Commissioner of Civil Supplies and
Consumer Protection, Chepauk,
Chennai - 5.

4. The Deputy Superintendent of Police,
Food Cell, CB CID,
Manikeswari Salai, Kilpauk,
Chennai - 10.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of declaration to declare that Clause 7(d) of The Kerosene (Restriction on Use and Fixation of Ceiling Price) Order 1993 and the action of the second respondent dated 25th March, 2003 in No.DG(AAC) (JD) (HQ)/SKO/648 to 650 is illegal and unconstitutional and consequential mandamus forbearing the respondents from in any way interfering with the trading activities of the petitioners in white kerosene except under the the provisions of (The) Kerosene (Restriction on Use and Fixation of Ceiling Price) Order, 1993.

For Petitioners .. Mr.T.Vasanth

For Respondents .. Mr.J.Madanagopal Rao
Senior Panel Counsel
for respondents 1 & 2
Mr.M.Elumalai, AGP,
for respondents 3 & 4

ORDER

(Made by P.N.PRAKASH, J.)

From the year 2003 to 2021, this writ petition has been kept pending in this Court without disposal.

2. At this juncture, when the matter was taken up for hearing today, Mr.Vasanth, Advocate (Enrolment No. 784/2013), submitted that Mr.P.Solomon Francis, who had filed this writ petition, has given the change of vakalat. However, he was not able to say to which advocate the change of vakalat was given.

3. Therefore, this Court, perused the affidavit and the typed-set of papers in the writ petition wherein the petitioner is praying for a writ of declaration to declare Clause 7(d) The Kerosene (Restrictions on Use and Fixation of Ceiling Price) Order, 1993 and the consequent action taken against the petitioner by the respondents, by the impugned order dated 25.03.2003, as illegal. The aforesaid Central order has been issued by the Government in exercise of the powers under the Essential Commodities Act.

4. We find no unconstitutionality in the said order for the issuance of writ of declaration and consequently, the order dated 25.03.2003, passed by the respondents is also not illegal.

5. The writ petition is dismissed accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssm

To

- 1.The Secretary to Government
The Union of India,
Ministry of Petroleum, New Delhi.
- 2.The Joint Director (Investigation),
Office of the Director General of
Anti-Adulteration Cell
(Ministry of Petroleum and Natural Gas),
Sanrakshan Bhavan,
10, Bikaji Camaplace,
New Delhi - 66.
- 3.The Commissioner of Civil Supplies and
Consumer Protection, Chepauk,
Chennai - 5.
- 4.The Deputy Superintendent of Police,
Food Cell, CB CID,
Manikeswari Salai, Kilpauk,
Chennai - 10

W.P.No. 11990 of 2003

SS (CO)
RMP (09/03/2021)

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