



W.P.No.8282 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.8282 of 2017

and

W.M.P.No.9073 of 2017

Chithode Gas Agency,
rep. by its Managing Partner, P.Chitra,

...Petitioner

Vs.

Hindustan Petroleum Corporation Ltd.,
rep. by Regional Manager,
Petro Bhavan, No.82, T.T.K.Road,
Alwarpet, Chennai.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India
praying for the issuance of a Writ of Mandamus, directing the respondent to
give approval for reconstitution of the petitioner's "Chithode Gas Agency"
as a Partnership Firm by considering the representation, dated 22.08.2016.

For Petitioner : Mr.V.P.Valliappan
For Respondent : Mr.M.Vijayan
for M/s.King and Patridge



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ORDER

This Writ Petition has been filed, seeking for issuance of a Writ of Mandamus, directing the respondent to give approval for reconstitution of the petitioner's "Chithode Gas Agency" as a Partnership Firm by considering her representation, dated 22.08.2016.

2. It is the case of the petitioner that, initially, a dealership agreement was entered into between the petitioner's husband and the respondent/Hindustan Petroleum Corporation Ltd., to run a Gas Agency under the name and style "Chithode Gas Agency", which is a sole Proprietary Concern. According to the petitioner, said Sole Proprietary Concern was converted into a Partnership Firm on 18.06.2015. Therefore, the petitioner made a representation to the respondent, dated 22.08.2016, to grant approval for re-constitution of the sole proprietary concern, viz., "Chithode Gas Agency" as Partnership Firm. Since no approval has been granted so far, the petitioner has filed this Writ Petition, seeking appropriate direction.



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3. Though no counter affidavit has been filed by the respondent, the learned counsel for the respondent has brought to the notice of this Court a dealership agreement, dated 02.12.2020, and submitted that, initially, dealership agreement was entered into between the petitioner's husband and the respondent on 19.02.2015, for a period of five years, i.e. till 16.12.2019. Thereafter, the same was renewed vide agreement, dated 02.12.2020 for a period from 17.12.2019 to 16.12.2024, in the name of the petitioner's husband, Thirunavukkarasu, who is carrying on business under the name and style of "M/s. Chithode Gas Agency". Therefore, he contended that the petitioner has made a false claim, and hence, prayed for dismissal of the Writ Petition.

4. Heard the learned counsel appearing for the petitioner and the learned counsel for the respondent and perused the materials available on record.

5. This Court has given due consideration to the submission of the learned counsel for the petitioner and the respondent.



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6. Upon perusal of the document, it appears that the present Writ Petition is filed in the year 2018. According to the contention of the petitioner, the said Chithode Gas Agency was initially, a sole Proprietary Concern, but, the same was converted into a Partnership Concern on 18.06.2015. But on perusal of the document produced by the learned counsel for the respondent, it is seen that, said Chithode Gas Agency was only an unregistered partnership Firm, and subsequently, when the period for the original dealership was over on 16.12.2019, the respondent had entered into a fresh dealership agreement with the petitioner's husband, Mr.Thirunavukkarasu, who is carrying on business under the Firm's name and style as "M/s.Chithode Gas Agency", as Sole Proprietary concern. Therefore, if the contention of the learned counsel for the petitioner is true that her husband is running the Chithode Gas Agency as a Partnership Firm, then, there is no necessity for the respondent to renew the dealership agreement in the name of the petitioner' husband, Mr.Thirunavukkarasu.

7. Therefore, this Court is of the view that the petitioner has made a vexatious claim by making false statements and the affidavit, stated to have



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solemnly sworn to by her is false. Hence, this Court felt not only to dismiss the Writ Petition but also to impose cost on the petitioner for suppression of fact. However, this Court is not inclined to be harsh, and shows leniency, by restraining itself from imposing costs .

8. For the foregoing reasons, this Writ Petition is dismissed. No costs.

01.12.2021

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Index : yes/no

Speaking Order/Non speaking order

To
Hindustan Petroleum Corporation Ltd.,
rep. by Regional Manager,
Petro Bhavan, No.82, T.T.K.Road,
Alwarpet, Chennai.



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Krishnan Ramasamy,J.,

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