



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.2835 of 2022 &
WMP.No.2972 of 2022

J.Suresh Paul

...Petitioner

Vs.

1.Hindustan Petroleum Corporation Limited
represented by its deputy General Manager
No.82, Petro Bhavan,
TTK Road,
Alwarpet, Chennai-600018

2.S.Amirthasree,
Door No.42, Paper Mills road,
Perambur, Chennai-600011

...Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of mandamus directing the 1st Respondent herein to reconstitute the Dealership Agreement dated 29.08.2012 to induct the Petitioner as the sole proprietor of M/s Priya Agency situate at Survey No. 506/2A2 patta No.8523 of 2005 at inner ring road Madhavaram Village, Madhavaram Taluk, Thiruvallur District.

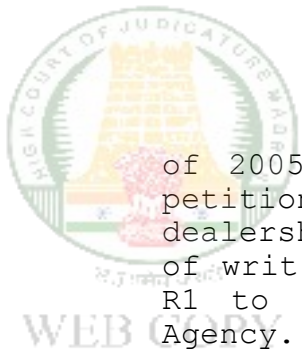
For Petitioners : Mr.K.Kulandaivelu

For Respondents : Mrs.M.Vijayan for
M/s.King and Patridge [R1]

O R D E R

Heard Mr.K.Kulandaivelu, learned counsel for the petitioner and Mr.M.Vijayan, learned counsel for R1/Hindustan Petroleum Corporation Limited, who has obtained instructions to proceed with the final disposal matter. Hence, this matter is taken up finally even at the stage of admission. In the light of the order proposed to be passed, no notice is thought necessary to R2 at this juncture.

2. The petitioner would submit that the 2nd respondent has entered into a dealership agreement on 29.08.2012 with R1 for a period of fifteen years commencing from 29.02.2011. The outlet comprises 16,677 sq. ft. of land in S.No.506/2A2 Patta No.8523



of 2005 running in the name and style of Priya Agency. Both, petitioner and R2 have filed an application to reconstitute the dealership, which is placed at pages 62 to 64 of the compilation of writ affidavit. The petitioner now seeks a mandamus directing R1 to induct the petitioner as the sole proprietor of Priya Agency.

3. In the light of the aforesaid application filed, Mr.M.Vijayan, learned counsel appearing for R1 has no objection to the processing of the application filed on 02.08.2018 for reconstitution of the partnership, in accordance with applicable guidelines, after hearing the petitioner and R2, within a period of twelve weeks from today.

4. The petitioner would point out that though the bunk is being run continuously by him, pending the processing of the application, there has been a sudden stoppage of supply which, learned counsel for R1 would submit that is on account of the fact that the credit limit has been exceeded. This is recorded.

5. Upon the petitioner taking appropriate steps in this regard, R1 will resume supply to the dealer and this position shall continue till the disposal of the application, as ordered earlier, and subject to the finalization of the same.

6. This writ petition is disposed in the above terms. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

ska

To

The Deputy General Manager
Hindustan Petroleum Corporation Limited,
No.82, Petro Bhavan, TTK Road, Alwarpet, Chennai-600018.

+2ccs to Mr.K.Kulandaivelu, Advocate SR. No.10496
+1cc to M/s.King & Partridge, SR. No.10482

W.P.No.2835 of 2022 &
WMP.No.2972 of 2022

MG (CO)
PR (24/03/2022)