



WEB COPY



W.P.Nos.5694 & 9851 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : : 04.11.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.5694 & 9851 of 2018
W.M.P.Nos.31625 of 2018,
28799, 32771 of 2019,
15044 , 15038 of 2020 & 7739 of 2021
and W.P.No.11778 of 2018

Sekar Enterprises,
Rep.by its Proprietor

... Petitioner in both W.Ps.

vs.

1.The General Manager,
Bharath Petroleum Corporation
1, Ranganathan Gardens,
II Mani Road, Anna Nagar,
Chennai 600 040.

2. The Territory Manager (Retail),
Bharath Petroleum,
Tondiarpet, Chennai 600 081.

... Respondents 1 & 2 in
both W.Ps.

V.M.Thulasingham

.. 3rd Respondent in
W.P.No.9851 of 2018

Prayer in W.P.No.5694 of 2018 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to release the supply of motor sput (petrol) to the dispensing pump at No.425, GNT Road, Gummipoondi Town, Thiruvallur District for the price money remitted by the petitioner and allow the petitioner to continue to run the business pending reconstitution.



W.P.Nos.5694 & 9851 of 2018

Prayer in W.P.No.9851 of 2018: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 & 2 to reconstitute the licence dated 03.11.1981 by including V.R.Aadithya in place of 3rd respondent as the strength of the retirement deed dated 25.08.2014 executed by 3rd respondent and permit the petitioner to continue to run the business at No.245, GNT Road, Gummidipoondi Town, Thiruvallur District and F-87, Sipcot Complex, Bye pass, Gummidipoondi, Thiruvallur District.

For Petitioner : No Appearance
For R1 R& R2 : Mr.M.Vijayan
in both W.Ps. for M/s.King & Partridge

For R3 : Mr.S.Parthasarathy
in W.P.No.9851/18

COMMON ORDER

There is no representation on behalf of the petitioner. However, the learned counsel for the official respondents 1 & 2 submits that the petitioner has died on 02.10.2021.

2. The relief in W.P.No.9851 of 2018 has already been granted pursuant to compromise between the deceased petitioner and the third respondent who is the father of the petitioner. The relief in W.P.No.5694 of 2018 cannot be granted as the sole petitioner died during the pendency of the said writ petition.



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3. It appears that the firm which consisted of the deceased petitioner and the third respondent was reconstituted as a sole proprietary concern on 15.11.2018. It also appears that the deceased petitioner paid a sum of Rs.3,00,000/- to the third respondent and further paid amount as undertaken to be paid on monthly basis upto a point. However, there delay and therefore the contempt petition was filed during the writ petition.

4. Considering the above fact, both the writ petitions are dismissed as having abated as the sole petitioner has died. His legal heirs have not come forward to pursue with remedy in these writ petitions. However, liberty is given to the third respondent in W.P.No.9851 of 2018 to proceed against the legal heirs of the deceased petitioner who are said to be running the retail outlet. No costs. Consequently, connected miscellaneous petitions are closed.

04.11.2022

Internet : Yes/No
kkd



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kkd

To

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