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W.A.No.1494 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.A.No.1494 of 2022

M/s.Raja Bhuvaneshwari Agencies,
Rep. by Proprietor, Sri.A.Rajangam,
502, Srinivasa Nagar, Andipatti,
Theni District.

... Appellant

VS

1. The General Manager/Director,
Marketing Division, Indian Oil Corporation
Ltd., Nungambakkam High Road,
Chennai 600 035.

2. The Area Manager,
Indian Oil Corporation Ltd.,
No.2, Race Course Road, Chokkikulam,
Madurai 625 002.

3. M/s.Sathiyabama Indane Gas Agencies,
Andipatti, Theni District.

... Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent Act against the order dated 14.12.2021 in WP No.26381 of 2021 on the file of this Court.

For the Appellant : Mr.G.Mannarswamy

* * * * *



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JUDGMENT

(Judgment of the Court was delivered by
the Hon'ble Chief Justice)

The writ appeal has been filed against the order dated 14.12.2021 passed in W.P.No.26381 of 2021, where the following direction was given:

"6. In view of the submission made by the learned Standing Counsel that similar issue is pending before the Hon'ble Apex court, till the disposal of the same, there is no apprehension to the petitioner in respect of transfer of the existing consumers from the petitioner's agency to the third respondent Agency. The learned Standing Counsel has also agreed not to transfer the existing consumers from the petitioner's agency to any other agency till the disposal of the SLP pending before the Hon'ble Apex Court."

2. Learned counsel for the writ appellant submits that despite the agreement that the respondent Corporation would not transfer any of the existing consumers of the appellant, yet, they were transferred, and therefore, the writ appeal has been filed.



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3. We fail to understand that if contrary to the direction of the Court an action is taken, whether it can be challenged by filing a writ appeal against the order of the learned Single Judge favourable to the appellant or by maintaining a contempt petition.

Accordingly, the writ appeal is dismissed with liberty to the appellant to seek appropriate remedy if an action has been taken contrary to the order under challenge. No costs.

(M.N.B., CJ.) (N.M., J.)
08.07.2022

Index : Yes/No
sra

To

1. The General Manager/Director,
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2. The Area Manager,
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M.N.Bhandari, CJ.
and
N.Mala, J.

(sra)

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