



W.P.No.24988 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM

THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN

W.P.No.24988 of 2022

and

W.M.P.No.23922 of 2022

M/s.Sri Venkatesa Traders,
Rep.by Smt.S.Chitra, Partner,
Carrying on business at
37/2-D, Salem Main Road,
Mettur Dam-2,
Salem District.

...Petitioner

Vs.

1.Indian Oil Corporation Ltd,
Rep.by its Divisional Retail Sales Head,
Marketing Division,
Salem Divisional Office,
No.234, Salem Bangalore By-pass Road,
Kondalampatty,
Salem – 636 010.

2.The Executive Director & State Head,
Indian Oil Corporation Ltd,
Tamil Nadu State Office,
No.139, Nungambakkam High Road,
Chennai – 600 034.

3.The Deputy General Manager,
Law,
Indian Oil Corporation Ltd,
Tamil Nadu State Office,



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No.139, Nungambakkam High Road,
Chennai – 600 034.

...Respondents

Prayer : This Writ Petition has been filed under Article 226 of the Constitution of India to issue writ of certiorarified mandamus, calling for the records of the impugned order of rejecting the petitioners request for getting supply of petroleum products through its own Tanker Truck/Lorry dated 24.08.2022 in Ref.SLMDO/Venkatesa Traders passed by the 1st respondent and quash the same consequently direct the respondents to grant permission for transporting petroleum products by own tanker truck of petitioner firm.

For Petitioner : M.R.Jothimanian

For Respondents : Mr.Abdul Saleem

ORDER

The petitioner and the respondent have been locked with each other in continuous rounds of litigations. The respondent had been terminating the license granted and the petitioner has been approaching the Courts by filing writ petitions.

2. Let me not dwell on the previous litigations instituted but it would be suffice to point out that in W.P.No.12339 of 2022 is pending as on date between the petitioner and the respondent, which writ petition had been filed questioning an order terminating the license of the petitioner.

3. The respondent was directed to supply petroleum products to the



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petitioner.

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4. Issues then arose whether such petroleum products can be supplied by Private Tanker Trucks. A representation was made by the petitioner seeking such permission.

5. The impugned order was passed in which, the respondent had stated that due to the pending court case with respect to the dealership they are not able to process the petitioner's request. This order has to be necessarily integrated with the petitioner and cannot be followed for filing a writ petition. The respondent cannot place the blame on the petitioner for approaching a court of law.

6. The impugned order is to set aside on this narrow ground.

7. The petitioner is permitted to present a fresh representation within a period of three (3) weeks from this date that can be examined in an appropriate manner by the respondent.

8. With the above observation this writ petition stands allowed. Connected writ miscellaneous petition is closed. No costs.

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Index:Yes/No
Speaking/Non speaking order
nst



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C.V. KARTHIKEYAN, J.
nst

To,

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