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W.P.No.6148 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.02.2023

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.6148 of 2013
and M.P.Nos.2 and 4 of 2013

M.Gnanaskandan

... Petitioner

Vs

Chief Divisional Retail Sales Manager,
Indian Oil Corporation Limited,
500, Anna Salai, Teynampet,
Madras – 600 018.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records in proceeding No.CDR:341 dated 4.2.2013 on the file of the respondent and to quash the same as illegal, incompetent and without jurisdiction and to consequently direct the respondent to supply products to run the petrol pump owned by the petitioner.

For Petitioner : Ms.V.Pavithra
for Mr.V.Raghavachari

For Respondent : Mr.B.Vijay Mehanath



W.P.No.6148 of 2013

ORDER

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The petitioner has challenged a communication issued by the Indian Oil Corporation Limited (in short 'sole respondent'/'IOCL') dated 04.02.2013. Admittedly, there was a dealership awarded by IOCL to one M/s.Vedams Dealers of which the petitioner's father and grand father were partners. Upon the demise of the original partners, there was a requirement for re-constitution of the firm for continuance of dealership/award of fresh dealership.

2. Thus the impugned communication while noting the demise of the petitioner's father calls upon the petitioner to submit a re-constitution proposal along with all necessary documents including no objection certificates from the legal heirs of the deceased partners, being his father and grand father. In the interim, the petitioner has been permitted to run the pump on a temporary/adhoc basis for three months.

3. Prima facie, there is nothing untoward in the impugned communication. That apart, learned counsel would submit that proceedings for grant of probate in O.P.No.100 of 2011, later converted to O.S.No.267 of 2012 are pending before the District Judge, Chengalpet, seeing as the petitioner's grand father had executed a Will, in terms of which the dealership had been bequeathed to the petitioner.



W.P.No.6148 of 2013

4. This position has been noted at the time of admission and an order

passed on 08.11.2013 reading thus:

There appears to be a partnership dispute between the petitioner, who is stated to be the legal heir of Thiru G.Manickam and the legal representatives of the other partner Sri N.Ganapathy Mudaliar, who is none other than the father of G.Manickam.

2. The petitioner claims right on the basis of the Will stated to have been executed by Ganapathy Mudaliar. The proceedings relating to the Will is now pending before the Principal District Judge, Chengelpet in O.S.No.267 of 2012. During the currency of the proceedings, the petitioner made a proposal for reconstitution. Pending such proposal, the Corporation by order dated 04.02.2013 agreed to supply petroleum products on temporary basis for a period of three months. The petitioner now seeks a direction to the Corporation to continue the supply of petrol products.

3. The petitioner is directed to implead the respondents in O.S.No.267 of 2012 as parties to the Writ Petition.

4. Post on 16.12.2013.

There shall be an interim order directing the Indian Oil Corporation Limited to continue to supply the Petroleum products to the petitioner, in continuation of the order dated 04.02.2013 in the meantime'

5. Learned counsel confirms that the aforesaid interim arrangement is continuing till date.

6. Hence, in light of the discussion above, I see no necessity to keep this Writ Petition pending any further. Furthermore, the impugned communication dated 04.02.2013 is also of no consequence in light of the proceedings as noticed supra. The interim arrangement shall continue subject to the order to

be passed by the Principal District Judge, Chengalpet in O.S.No.267 of 2012.



WEB COPY



W.P.No.6148 of 2013

DR.ANITA SUMANTH,J.

7. This Writ Petition is disposed as above. No costs. Connected
Miscellaneous Petitions are closed.

02.02.2023

Index : Yes / No
Speaking/non-speaking Order
Neutral Citation:Yes/No
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To

Chief Divisional Retail Sales Manager,
Indian Oil Corporation Limited,
500, Anna Salai, Teynampet,
Madras – 600 018.

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