



WEB COPY



W.P.No.16134 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.16134 of 2023

M.Seshachalam

... Petitioner

Vs.

1. Government of India,
Rep. by its Secretary to Government,
Ministry of Coal,
Shastri Bhawan,
Dr.Rajendra Prasad Road,
New Delhi – 110 001.
2. The Central Vigilance Commissioner,
Shastri Bhavan “A” Block,
GPO Complex, INA,
New Delhi – 110 023.
3. The Chairman and Managing Director,
M/s.NLC India Ltd.,
Neyveli.
4. The Secretary,
M/s.Neyveli Automobile Association,
HPC Dealer,
Block 24, J.N.Salai,
Neyveli – 607 801,
Cuddalore District.



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5. The Chairman and Managing Director,
M/s. Hindustan Petroleum Corporation Limited,
Petroleum House 17,
Jamshedji Tata Road,
Mumbai – 400 020.

... Respondents

Prayer : Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to take appropriate legal action against running of petrol bunk on commercial basis based on the dealership from M/s. Hindustan Petroleum Corporation Ltd., by sharing profits by compliments with the Executives of NLC India Ltd. by mis-utilizing the property belong to NLC India Ltd. contrary to the object of 4th respondent Association, in consideration of representation submitted by the petitioner dated 11.11.2022 and consequent to the proceeding of 2nd respondent dated 15.12.2022, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran
Senior Counsel
for M/s.S.Nedunchezhiyan

For Respondents : Mr.V.Udayakumar [R1 & R2]
Mr.N.Nithiananthan [R3]
Mr.L.Chandrakumar [R4]
Mr.M.Vijayamehanath
for M/s.AAV Partners [R5]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents 1 and 2 to take appropriate legal



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action against running of petrol bunk on commercial basis based on the dealership from M/s. Hindustan Petroleum Corporation Ltd., by sharing profits by compliments with the Executives of NLC India Ltd. by mis-utilizing the property belong to NLC India Ltd. contrary to the object of fourth respondent Association, in consideration of representation submitted by the petitioner dated 11.11.2022 and consequent to the proceeding of second respondent dated 15.12.2022, within a time frame to be fixed by this Court.

2. The case of the petitioner is that, he is the share holder of M/s.NLC India Ltd. and the fourth respondent association utilized the property belongs to NLC for running petroleum outlet and earning profits and as members of the association, sharing the entire profits among themselves as against the bye-laws of the association, thereby, the petitioner made a complaint dated 11.11.2022 before the second respondent for taking appropriate action. Pursuant to which, the second respondent has sent a letter on 15.12.2022 stating that the complaint has been forwarded to CVO, NLC India Ltd. for necessary action. However, no further action has been carried out neither by the second respondent



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nor by CVO, NLC India Ltd. Hence, the above writ petition has been filed before this Court for appropriate directions.

3. Though very many grounds have been raised in this writ petition, the learned counsel for the petitioner submits that, it would suffice, if this Court, issues a direction to the respondents 1 and 2 to consider the petitioner's representation dated 11.11.2022 and pass appropriate orders, within a time frame that may be stipulated by this Court.

4. The learned counsel appearing for the respondents 1 and 2 submits that the petitioner's complaint was already entertained and the CVO/NLCIL submitted a report dated 06/07.03.2023 to the first respondent. Pursuant to which, the first respondent examined the said report and after satisfying with the report, the first respondent closed the case on 13.06.2023 and directed CVO/NLCIL to take the matter to its logical conclusion. Hence, he submits that nothing survives for adjudication in this writ petition.



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5. In view of the aforesaid submissions, this Writ Petition is dismissed. However, liberty is granted to the petitioner to workout the remedy in the manner known to law. No costs.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

- 1.The Secretary to Government,
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Dr.Rajendra Prasad Road,
New Delhi – 110 001.
- 2.The Central Vigilance Commissioner,
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- 3.The Chairman and Managing Director,
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M.DHANDAPANI, J.,

sp

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