



W.P.No.23391 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

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MR.JUSTICE N.SESHASAYEE

W.P.No.23391 of 2023
and W.M.P.No.22926 of 2023

V.Rangadurai,

... Petitioner

Vs.

1.M/s. Indian Oil Corporation Ltd,
Rep. by its Chairman,
3079/3, Sadiq Nagar, JB Tito Marg,
New Delhi - 110 049.

2.The Chief Divisional Manager(sales)
Marketing Division, Indian Oil Bhavan,
No.8/1079, Avinashi Road,
Coimbatore - 641018.

3.B.Banumathi,
4.R.Jaishree
5.S.Suganyadevi

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, order calling for the 2nd respondent letter in Ref.No.CBDO/R/4010/ and quash the letter dated 18.07.2023 as illegal.

For Petitioner : Mr.K.Rajendraprasad

For Respondents 1 & 2 : Mr.V.Anantha Natarajan
Standing Counsel



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ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner claims that he is one of the partners of M/s.Lakshmi Agencies, a firm registered under the Partnership Act. It is a retailer of the 1st respondent and runs a petrol bunk. It appears that one of the partners namely A.M.Balasanjeevi had passed away on 05.08.2016. Now vide impugned proceedings dated 18.07.2023 the 1st respondent merely requires the petitioner and the other partners to produce its proposal about the reconstitution of the firm. This is now under challenge.

3.Mr.V.Anantha Natarajan, the learned Standing Counsel has taken notice for the respondents 1 and 2.

4.Heard both sides. On the face of it, this Court does not find the impugned communication from the 1st respondent to the partners of the firm seems to affect any of the rights of the other partners. Indeed, this Court does not find that the 1st respondent action can be faulted, for it has every right to know



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how its dealer is reconstituted.

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5.Learned counsel for the petitioner submitted that the issue pertaining to the reconstitution of firm etc. are embroiled in civil litigation. This Court underscores that it is essentially an internal problem within the partners, but that cannot affect the right of the 1st respondent eternally. Indeed, a partner has died in 2016 and for seven years nothing seem to be moving.

6.It is not just that the petitioner's right is not affected by the communication now under challenge, but it also triggers few other questions. Here is a situation where the 1st respondent is constrained to deal with a set of people and whose current status is not known to it. This Court wonders why the petitioner approached this Court when it ought to meet the 1st respondent. After all, this Court is not running any of the oil companies in this country and these are all matters that emanate out of contractual relationship between the oil companies and its dealers. Therefore, to entertain any such writ petition in this matter would amount to abusing the process of Court by Court itself.



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7.If the petitioner is interested, he is required to approach the 1st respondent and not the Court.

8.This Court does not find merit in the petition and this writ petition accordingly stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

10.08.2023

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Index : Yes / No

Neutral citation : yes/no

To

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