



W.P.No.24938 of 2023
&WMP.No.24376 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2023

CORAM: JUSTICE N.SESHASAYEE

WP.No.24938 of 2023
& WMP.No.24376 of 2023

P.P.Ravi

...Petitioner

-Vs-

1.Indian Oil Corporation Limited,
Chennai Divisional Office,
No.500, Anna Salai, Teynampmet,
Chennai – 600 018.

2.D.Sivaji

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the Notice issued by the 1st Respondent in Ref: CHN/RAKSHA AGENCIES/SCN dated 04.07.2023 and quash the same.

For Petitioner	: Mr.Najeeb Usman Khan for Ms.Devi.N
For R1	: Mr.Md.Fayaz Ali



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ORDER

The petitioner herein is a dealer of Petroleum products and runs a rental outlet. Based on an objection given by the second respondent herein, the first respondent had issued a show cause notice, which details at least 3 major breach of the terms of the order appointing the petitioner as the dealer. The petitioner has responded to the show cause notice and is now before the Court with this Petition challenging the said show cause notice.

2.The learned counsel for the petitioner submitted that the second respondent portrays himself as a partner of the petitioner's business, and has given a complaint to the first respondent and indeed has approached this Court in W.P.No.26638 of 2018 for a direction to the first respondent herein to not to issue a No Objection Certificate in favour of the second respondent. The second respondent in WP.No.26638 of 2018 is none other than the petitioner in the present petition.



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3.While disposing the said Writ Petition Vide its order dated 15.09.2021, this Court took note of the two Civil Suits pending between the petitioner herein and the second respondent in O.S.No.237 of 2018 and O.S.No.123 of 2019, both pending before the Principal District Munsif Court, Tirupattur and directed the parties to resolve their disputes in the pending civil suits.

4.Mr.Md.Fayaz Ali, the learned counsel takes notice for the first respondent and submitted that the second respondent did make a complaint to the first respondent and on investigation, the first respondent was *prima facie* satisfied that there was a breach of certain terms of allotment of dealership and hence, it issued a show cause notice. The first respondent's interest will be in jeopardy, if it was required to wait till the civil suits are decided.

5.This Court carefully read the order passed by this Court in W.P.No.26638 of 2018. The question before the Court then was whether the first respondent should issue NOC to the petitioner herein. It is this



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6.Turning to the issue in the present case, it is between the Indian Oil Corporation and its dealer. While, IOC might have been triggered to issue a show cause notice based on the complaint given by the second respondent herein (petitioner in W.P.No.26638/2018), still it is to take an independent call uninfluenced by any such allegation made by the second respondent.

7.Therefore, this Court directs the IOC, the first respondent herein to hold an enquiry and take its independent decision. It is also required to give the petitioner a right of hearing. It is made clear any such decision of the first respondent will be subject to the outcome of the pending civil suits, since the petitioner has challenged that some of the documents stated to have been the reason for the first respondent to issue show cause notice as fabricated by the second respondent in one of the civil suits in O.S.No.123 of 2019.



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8.The Writ Petition is accordingly disposed of. No costs. Consequently,
the connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
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To

Indian Oil Corporation Limited,
Chennai Divisional Office,
No.500, Anna Salai, Teynapmet,
Chennai – 600 018.

N.SESHASAYEE, J.,



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