



W.P.No.32283 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.32283 of 2022

V.Harish

.. Petitioner

VS

Bharat Petroleum Corporation Limited
1st Floor, Raj Towers,
Near Kalaigiar Arivalayam,
Karur Bye pass road,
Trichy – 620 002.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondent to consider the petitioner's representation dated 06.10.2022 made by the petitioner seeking substitution of the Retiring Partner with the petitioner's spouse in order to commence the operations of Retail Outlet at Chetpet, Tiruvannamalai.

For Petitioner : Mr. Arun C.Mohan

For Respondent : Mr.V.Anantha Natarajan

ORDER

The petitioner seeks a mandamus directing the respondent, the Bharat Petroleum Corporation Limited (sole respondent / BPCL)



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to consider representation dated 06.10.2022 relating to retail operations of the petrol bunk at Chetpet, Tiruvannamalai ('bunk' / 'bunk in question'). The petitioner requests therein, for substitution of the name of the retiring partner with the name of the petitioner's spouse.

2. The counter filed by the sole respondent proceeds on the basis that though the sole respondent would, in principle, have no difficulty in taking up the request of the petitioner, effective disposal of the same would require the presence of the outgoing partner, in order to ascertain true intention of the parties.

3. The retiring partner has not been arrayed as a respondent in this writ petition, which would have been the appropriate course of action. However, learned counsel would inform the Court that the petitioner has been unable to contact the retiring partner, despite his best efforts.

4. Hence, and for the reason that adjudication of the petitioner's request would involve marshalling and assimilation of various facts, which this Court is not inclined to consider in writ jurisdiction, mandamus is issued to the Retail Manager of the sole



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respondent Company to consider the representation of the petitioner dated 06.10.2022 and decide the same after hearing the petitioner and affording sufficient opportunity to the retiring partner / Ms.U.V.Varna to appear and put forth her objection, if any, within a period of eight weeks from the date of receipt of a copy of this order, in accordance with law and prevailing Regulations.

5. This Writ petition stands disposed in terms of the above order. No costs.

12.10.2023

Index:Yes/No
Neutral Citation:Yes
ssm

To

The Bharat Petroleum Corporation Limited
1st Floor, Raj Towers,
Near Kalaignar Arivalayam,
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DR. ANITA SUMANTH,J.

ssm

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