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aIN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2023

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.30310 of 2018

D.Dhanasekaran

... Petitioner

Vs.

1. The Commissioner
Civil Supply Department,
Ezhilagam, Cheppakkam, Chennai 5.

2. The Deputy Commissioner,
Civil Supply Department,
Ezhilagam, Cheppakkam, Chennai 5.

3. The Assistant Commissioner
Civil Supply Department,
Mylapore Zone, Chennai 4.

4. The Deputy General Manager
(Retail Sales), Marketing Division,
Chennai Divisional Office,
Indian Oil Corporation Ltd.,
No.500 Anna Salai, Teynampet,
Chennai 18.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the respondents to supply 5000 litres Kerosene quantity or reasonable quantity not less than 3000 litres to the petitioner kerosene shop license bearing



No.(IRO95)344/75-76.

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For Petitioners : Mr.D.Nagarajan

For Respondent : Mr.M.Alagu Gowtham, GA, RR1 to 3
Mr.P.S.Sivasubramaniam R4

ORDER

This Writ Petition has been filed seeking a direction to the respondents to supply 5000 litres Kerosene quantity or reasonable quantity not less than 3000 litres to the petitioner kerosene shop license bearing No.(IRO95)344/75-76.

2. It is the grievance of the the petitioner that he is a handcart kerosene license holder and he is selling kerosene from the year 1974. The petitioner sent a letter to the respondents 1 to 3 on 20.08.2014 to increase the kerosene quantity. The second respondent vide letter dated 27.06.2017 sent reply to the petitioner stating that the Central Government has reduced the allotment quantity gradually, hence it was decided to provide 6 litre kerosene for non-LPG connection card holder and 2 litre kerosene for 1 LPG connection card holder and the petitioner was reduced to 932 litres. Further, the respondents cannot increase the quantity of the kerosene. Therefore, the petitioner shall make a request to the licensing authority only when the Central Government



increasing the kerosene allotment. Further the petitioner sent legal notice on 03.06.2018 to the respondents to give kerosene quantity upto 5000 litres.

There is no response from the respondents so far and hence, the petitioner has filed the present writ petition seeking the above said prayer.

3. The learned counsel for the petitioner submitted that this Court may issue a direction to the respondents to supply 5000 litres kerosene quantity or reasonable quantity not less than 3000 litres to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3 and the learned counsel for the 4th respondent and perused the materials available on record.

5. On perusal of the communication sent by the second respondent dated 27.06.2017, the second respondent has clearly explained that the respondents cannot increase the quantity of the kerosene and the petitioner shall make a request to the licensing authority only when the Central Government increasing the kerosene allotment.



6. In such view of the matter, this Court directs the petitioner to challenge the communication of the second respondent dated 27.06.2017 and also he shall make a fresh communication to the concerned authority to increase the quantity of the card holders and kerosene in the manner known to law.

7. With the above direction, the writ petition is disposed of. No costs.

08.03.2023

Index: Yes/ No

Internet: Yes/No

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To

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M.DHANDAPANI,J.

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