



W.P(MD)No.13776 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13776 of 2015

and

M.P(MD)Nos.1 & 2 of 2015

Muruganantham

... Petitioner

Vs

- 1.The Union of India,
Represented by its Secretary,
Ministry of Petroleum & Natural Gas,
Shastri Bhavan,
New Delhi.
- 2.The Indian Oil Corporation Limited,
Represented by its Chairman,
Corporate Office,
3079/3, JB Tito Mara,
Sadia Nagar,
New Delhi – 110 049.
- 3.The General Manager (LPG-S),
Indian Oil Corporation Limited,
Indian Oil Bhavan,
G9, Ali Yavar Jung Marg,
Bandara (E),
Mumbai – 51.
- 4.The Chief Area Manager,
Indane Area Office,
Indian Oil Corporation Limited,



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2, Race Course Road,
Chokkikulam,
Madurai – 2.

5.Sri Lalitha Agency,
Through Proprietor,
Ramesh Babu, T.P.Mills Road,
Opp.Head Office,
Rajapalayam – 626 117.

6.Deva Indane Gas,
Through Proprietor,
K.R.Kalpana,
Ooranipatti Street,
Near Old Bus Stand,
Rajapalayam – 626 117.

***(R.5 & R.6 were impleaded vide order
of this Court dated 22.02.2018)***

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to impugned order passed by the third respondent in his impugned Circular No.SL/TSK/1601 dated 03.10.2011 and quash the same as illegal and forbearing the respondents 5 and 6 from selling Industrial LPG Cylinders in Rajapalayam Area.

(Prayer amended vide order of this Court dated 01.09.2023 in W.M.P(MD). 8846 of 2018 in W.P(MD)No.13776 of 2015)

For Petitioner : Mr.A.Arumugam

For Respondents : Mr.C.Nandhagopal for R.1

Mr.K.Muralidharan
Standing Counsel for R.2 to R.4

No Appearance for R.5 & R.6



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ORDER

Heard both sides.

2. The petitioner was appointed as NDNE LPG retailer for commercial and industrial users in the year 2013. He questions the impugned circular dated 03.10.2011 whereby the LPG dealers for domestic use have been permitted to sell NDNE LPG to industrial customers also. The case of the petitioner is that while dealers like him cannot enter the domestic sector, the domestic LPG distributors can enter commercial and natural sector.

3. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned circular.

4. The Corporation has filed counter affidavit and the learned Standing Counsel took me through its contents. He would question the *locus standi* of the writ petitioner. He points out that the circular was in force since 2011. The petitioner entered the field only in June 2013. The petitioner is bound by the policy decision taken by the Corporation. In any event, it is not for the writ



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Court to question the commercial wisdom of the Corporation in having issued such circular. He called upon this Court to dismiss the writ petition.

5. I do not want to enter into the merits of the controversy. Instead I permit the petitioner to represent to the first respondent. I relegate the petitioner to move the first respondent primarily for the reason that according to the petitioner that the policy of the Indian Oil Corporation is at variance with the policy followed by the other Oil Companies. As and when such a petition filed by the petitioner before the Ministry of Petroleum and Natural gas, New Delhi, the same will be considered and disposed of on merits and in accordance with law after due notice to the Indian Oil Corporation. The decision will be taken by the Ministry within a period of twelve weeks from the date of receipt of such representation.

6. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

27.09.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA



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To

WEB COPY

- 1.The Secretary,
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G.R.SWAMINATHAN, J.

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