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W.P.(MD)NO.4353 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4353 of 2015

Kalaiselvan

... Petitioner

Vs.

The District Supply & Consumer Protection Officer,
District Collector Office,
Trichy.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in respect of the proceedings in Na.Ka.No.1/25426/14 dated 08.02.2015 on the file of the respondent and quash the same and also direct the respondent to transfer Kerosene license in the name of the petitioner within a reasonable time.

For Petitioner : No appearance.

For Respondents: Mrs.K.Christy Theboral,
Additional Government Pleader.

* * *

**ORDER**

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When the matter was taken up for hearing, none appeared for the writ petitioner. The case is therefore listed under the caption “for dismissal”. Today also there is no representation on behalf of the petitioner.

2. I went through the averments set out in affidavit filed in support of the writ petition. The respondents had issued Kerosene license in favour of the writ petitioner's mother in the year 1964. She passed away in the year 1981. Thereafter, the license was transferred in the name of the petitioner's brother Govindharaj. Govindharaj passed away in the year 2012. The said Govindharaj died bachelor and he did not have any Class-1 legal heir. The petitioner in his capacity as sibling sought transfer of license in his name. The petitioner's request was rejected vide order dated 08.02.2015. Challenging the same, the present writ petition came to be filed.

3. A reading of the impugned order shows that the policy of the Government is to transfer the license in favour of



the legal heirs, only if the legal heir concerned is dependent exclusively on the retail sale of Kerosine. The petitioner will not fall under such category. He was all along employed abroad and he was never depending on the retail trade in Kerosene. The impugned order is well reasoned. The respondent has duly applied his mind before rejecting the petitioner's request. No case for interference is made out. This writ petition stands dismissed. No costs.

08.08.2023

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

PMU

To:

The District Supply & Consumer Protection Officer,
District Collector Office,
Trichy.



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G.R.SWAMINATHAN,J.

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