



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-04-2024

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.290 of 2023

And

WMP No.282 of 2023

1.P.Lakshmi

2.K.P.Sunitha (Minor),
Daughter of Late Paranthaman,
Represented by her Natural Guardian and Mother,
Mrs.P.Lakshmi,
No.13, Tehndral Bye Pass Road,
New Town, Vaniyambadi,
Tirupattur District-635 751.

3.G.Gopalakrishnan

.. Petitioners

-VS-

1.Indian Oil Corporation Limited,
Marketing Division Head Office,
Indian Oil Bhavan,
G-9, Ali Yavar Jung Marg,
Bandra (East),
Mumbai-400 051.



2. The Divisional Retail Sale Head,
Marketing Division,
Indian Oil Corporation Limited,
Chennai Divisional Office,
No.500, Anna Salai,
Teynampet,
Chennai-600 018.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the issuance of impugned letter dated 23.09.2022 issued by the second respondent herein and quash the same as illegal and arbitrary and consequently direct the respondents herein to reconstitute Dealership Agreement by taking consideration of the Partnership Deed dated 06.05.2022 without insisting No Objection letter or any other documents from the legal heirs of the previously retired partners of the partnership firm “Sri Lakshmi Agencies” for continuing as dealer.

For Petitioners : Mr.M.Vinoth for
Mr.N.Poovanalingam

For Respondents : Mr.Mohammed Fayaz Ali,
Standing Counsel for IOC.



WEB COPY

WP No.290 of 2



ORDER

The order of the second respondent dated 23.09.2022, rejecting the claim of the petitioners for reconstitution of dealership, is under challenge in the present writ petition.

2. The Indian Oil Corporation Limited [IOCL] dealership M/s.Lakshmi Agencies, Trunk Road, Vaniyambadi, Tiruppattur District, was commissioned in 1977 as 'B' site under open category. As per the Dealership Agreement of the year 1984, four partners were inducted in M/s.Lakshmi Agencies. The four partners were Mr.P.Venkatesan, Mr.P.Kannan, Smt.P.Nagammal and Mr.P.Ramchandran. All the four partners died and one of the legal heirs of Mr.P.Kannan viz., Mr.K.Paranthaman, was operating the retail outlet without the approval of the respondent-Corporation. Unfortunately, the said legal heirs of Mr.P.Kannan also expired on 22.07.2020.



3. The learned Standing counsel for the respondents would submit that reconstitution application is to be submitted with all requisite documents, including the Death Certificate, Legalheirship Certificate and the consent affidavits from the legal heirs of all the four partners. On submission of such application in complete format, the same will be considered on merits by the respondent-Corporation.

4. At the outset, the due process, as contemplated, is to be followed for the purpose of reconstitution of dealership.

5. In the present case, the death of four partners were not informed to the Oil Corporation and without any approval from the Corporation. One of the legal heirs of Mr.P.Kannan viz., Mr.K.Paranthaman operating the retail outlet, was also died in the year 2020.

6. That being the factum, the petitioners are at liberty to submit fresh application along with all necessary documents to the respondent-Oil Corporation and in the event of submitting any such application, the same



shall be decided on merits and in accordance with law by following the due process.

WEB COPY

7. With the above liberty, the present writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

16-04-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

1. Indian Oil Corporation Limited,
Marketing Division Head Office,
Indian Oil Bhavan,
G-9, Ali Yavar Jung Marg,
Bandra (East),
Mumbai-400 051.

2. The Divisional Retail Sale Head,
Marketing Division,
Indian Oil Corporation Limited,
Chennai Divisional Office,
No.500, Anna Salai,
Teynampet,
Chennai-600 018.

S.M.SUBRAMANIAM, J.



WEB COPY

WP No.290 of 2



Svn

WP 290 of 2023

16-04-2024