



W.P.(MD).No.3742 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3742 of 2024

and

W.M.P.(MD)Nos.3650, 3651 and 3653 of 2024

M/s. CSA Automobiles,
Represented through its Proprietor,
V.Jeyakumar,
S/o.C.Vasanthakumar,
4, Sivagangai Main Road,
Santhamangalam, Madurai-625 020.

... Petitioner

Vs.

1.The Ministry of Petroleum and Natural
Gas,
Represented through its Additional
Secretary,
Shastri Bhawan,
Dr.Rajendra Prasad Road,
New Delhi-110 001.

2.The Director,
Hindustan Petroleum Corporation Limited,
Petroleum House 17,
Jamshedji Tata Road,
Mumbai, Maharashtra-400 020.



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3. The Zonal Manager,
Hindustan Petroleum Corporation Limited,
South Zone,
Thalamuthu Natarajan Building,
4th Floor, 1, Gandhi Irwin Ro,
Egmore,
Chennai-600 008.

4. The Deputy General Manager,
Hindustan Petroleum Corporation Ltd.,
Madurai Retail Regional Office, 1st Floor,
BSNL CMTS Bhavan,
70 feet Road, Ellis Nagar,
Madurai-625 016.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the 4th respondent's Impugned Panchanama dated 14.02.2024 and quash the same as devoid of merits, consequentially directing the respondents No.1 to 3 to direct the 4th respondent to stop their illegal coercive action of take possession of the petitioner's business premises of M/S CSA Automobiles at Survey No.71/1B and 71/1C, Door No.4, Sivagangai Main Road, Sathamangalam, Madurai-625 020 and permit him to continue the business by considering his representation dated 15.02.2024, within the period stipulated by this Court.



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For Petitioner : Mr.A.Haja Mohideen
For R-1 : Mr.Karthikeya Venkatachalapathy
Senior Central Government Counsel
For R-2 to R-4 : Mr.M.Sridhar
Standing Counsel

ORDER

The present writ petition has been filed seeking to call for the records of the 4th respondent's Impugned Panchanama dated 14.02.2024 and quash the same as devoid of merits, consequentially directing the respondents No.1 to 3 to direct the 4th respondent to stop their illegal coercive action of taking possession of the petitioner's business premises of M/S CSA Automobiles at Survey No.71/1B and 71/1C, Door No.4, Sivagangai Main Road, Sathamangalam, Madurai-625 020 and permit him to continue the business by considering his representation dated 15.02.2024.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The plight of the petitioner is that the Impugned Panchanama with respect to the closure of the petitioner outlet came to be issued on 14.02.2024. The matter in issue is as to the payment of the outstanding balance which the petitioner outlet has to pay the 2nd respondent. When the claim of the petitioner is that only a balance amount of Rs.6,27,547/- (Rupees Six Lakhs Twenty Seven Thousand Five Hundred and Forty Seven only) has to be paid, the respondents' claim is that Rs.25,38,040.87/- (Rupees Twenty Five Lakhs Thirty Eight Thousand Forty and Eighty Seven Paisa only). In view of the same, the Impugned Panchanama dated 14.02.2024 came to be issued. Challenging the same, the present writ petition came to be filed.

4. The learned Counsel appearing for the petitioner submitted that they are running the outlet for the more than 20 years and had never committed default so far in payment and they are ready to make the payment of whatever balance as claimed by the respondents subject to the furnishing of appropriate statement of accounts.



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5. Per contra, the learned Standing Counsel appearing for the respondents 2 to 4 submitted that all the transactions are transparent and are done online. Hence, the question of cloud as far as the accounts are concerned will never arise. In view of the same, he submitted that if the petitioner is ready to pay the entire amount immediately, then the petitioner allow to run the outlet.

6. Heard, the learned Counsel appearing for the petitioner and the learned Senior Central Government Counsel appearing for the 1st respondent and the learned Standing Counsel appearing for the respondents 2 to 4. Carefully perused the materials available on record.

7. On equity, I direct the petitioner to pay an amount of Rs.10,00,000/- (Rupees Ten Lakhs only) on or before 19.02.2024. On receipt of the same, the 2nd respondent is directed to resume the supply of petroleum to the petitioner. The petitioner is further directed to pay the remaining amount within a period of one month, that is, on or before 19.03.2024.



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8. However, on the submission of the learned Counsel for the respondents, the petitioner is directed to make all the future payment only in the online mode.

9. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

16.02.2024

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

Note: Issue order copy on 16.02.2024.



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To
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- 1.The Ministry of Petroleum and Natural Gas,
Represented through its Additional Secretary,
Shastri Bhawan,
Dr.Rajendra Prasad Road,
New Delhi-110 001.
- 2.The Director,
Hindustan Petroleum Corporation Limited,
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Jamshedji Tata Road,
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- 3.The Zonal Manager,
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L.VICTORIA GOWRI, J.

Sml

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