



W.A(MD)No.325 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.325 of 2025
and
C.M.P(MD)Nos.2521 & 2523 of 2025**

S.Rajeshwari

... Appellant/3rd Party

vs.

1.The Divisional LPG Sales Head,
Indane Divisional Office,
Indian Oil Corporation Limited,
No.2, Race Course Road,
Chockikulam,
Madurai – 625 002.

... 1st Respondent/Respondent

2.V.Thriugnanasambandam

... 2nd Respondent/Writ Petitioner

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 09.08.2024 made in W.P(MD)No.13009 of 2024 on the file of this Court.



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For Appellant : Mr.R.Anand
For R – 1 : Mr.K.Muraleedharan
For R – 2 : Mr.H.Lakshmi Shankar

JUDGMENT

(Judgment of the Court was delivered by S.SRIMATHY, J.)

The present Writ Appeal is filed against the order passed by the Writ Court dated 09.08.2024 made in W.P(MD)No.13009 of 2024.

2.The second respondent/writ petitioner has filed the Writ Petition for a writ of Certiorarified Mandamus, to quash the order dated 11.06.2024 passed by the first respondent and consequently direct the first respondent to take appropriate action regarding the reconstitution of dealership based on the Will executed by V.Thirugnanasambandam's father dated 27.09.2001.

3.The writ Court, by order dated 09.08.2024 allowed the Writ Petition and set aside the impugned rejection orders and directed the first respondent to reconsider the petition mentioned dealership recognizing the second respondent/writ petitioner as the sole proprietor of the Jothi Gas Agencies.



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Challenging the same, the appellant as third party has filed the present Writ Appeal.

4.Heard Mr.R.Anand, learned counsel appearing for the appellant, Mr.K.Muraleedharan, learned counsel appearing for the first respondent and Mr.H.Lakshmi Shankar, learned counsel appearing for the second respondent and perused the materials available on record.

5.The appellant is the sister of the second respondent-V.Thirugnanasambandam. According to her, the writ Court has given validity of the Will, dated 27.09.2001. It appears that after passing of the orders in the Writ Petition, a civil suit has been filed. This Court is of the considered opinion that the Writ Court cannot confirm the validity of the Will and it has to be proved as per law and the appropriate Court is the Civil Court. Accordingly, the Civil Court shall consider the Will, dated 27.09.2001 and the letter dated 07.01.2022, as per law, uninfluenced by the order passed by the Writ Court. In case, if there is any *mense* profits which the appellant is eligible that also can be claimed in the civil suit.



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6. With the above observation, this Writ Appeal is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

[J.N.B.,J.] & [S.S.Y.,J.]
19.03.2025

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



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To

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and
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ps

ORDER MADE IN
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