



W.P(MD)No.12790 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 01.08.2024

Pronounced on : 08.05.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12790 of 2022

and

W.M.P.(MD)Nos.9079 and 9081 of 2022

M/s.Elumalayan Indane Gas Services,
Rep. by its Partner,
C.Mokkaisamy.

... Petitioner

Vs.

1.The Chief General Manager (LPG),
Tamilnadu State Office,
Indian Oil Corporation Limited,
Marketing Division, Southern Region,
Indian Oil Bhavan,
139, Uthamar Gandhi Salai,
Nungambakkam High Road,
Chennai – 600 034.

2.The Divisional Manager (LPG Head),
Madurai Area Office,
Indian Oil Corporation Limited,
No.2, Race Course Road, Chokkikulam,
Madurai - 2.

3.T.Koghila

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the Impugned Order in Ref.TNSO/LPG/M/MA/3 dated 16.06.2022 on the file of the Respondent No.1 and quash the same as illegal.

For Petitioner : Mr.M.S.Rajasekar

For Respondents : Mr.K.Muraleedharan,
Standing Counsel for R1 & R2.
Mr.S.Ramesh for R3.

ORDER

Heard both sides.

2.The petitioner challenges the communication dated 16.06.2022 issued by the first respondent suspending the distributorship of the petitioner.

3.It is not in dispute that the petition mentioned distributorship was awarded under PH(W) category for Bodinayakanur location on 23.05.2011. The petitioner / firm namely, M/s.Elumalayan Indane Gas



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Services comprises two partners namely, Mokkaismy and Koghila.

Koghila is shown as the third respondent in this writ petition. Koghila is a woman and she is coming under PH category. Admittedly, she holds 51% shares in the firm. Unfortunately, difference of opinion arose between the two. As a result, the annual returns of the firm for the year 2020 – 2021 could not be filed. In fact, the officials of Indian Oil Corporation Limited endeavoured to resolve the disputes between the two partners. Since no consensus could be arrived at, the impugned suspension order came to be passed. In fact, the suspension order itself states that the suspension of the distributorship would continue to be remain in force till the corporation is satisfied that appropriate action has been taken as advised by them. The communication is addressed to both the partners namely, Mokkaismy and Koghila. The corporation cannot be blamed for having issued the impugned communication. When the distributorship was allotted only in favour of firm and that too under PH(W) category, it would be in the interest of Mokkaismy to travel an extra mile to resolve his issues with Koghila / the major share holder. The corporation cannot be faulted for having issued the impugned communication. Interference with the same is not warranted. I have



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consciously refrained from going into the merits of the matter for the simple reason that it would not be in the interest of both the parties and it may even lead to the eventual cancellation of the distributorship itself. I only hope that better sense will prevail on both so that the distributorship can be saved for the future.

4. Granting liberty to the parties concerned to resolve their differences as advised by the corporation, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

08.05.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

**Pre-Delivery Order in
W.P(MD)No.12790 of 2022**

08.05.2025