IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-01-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 241 of 2026

F.Jayakumar
S/o Francis
Flat No.CT -6, Premier Enclave
52/5 Pillaiyar Koil Street,
Padikuppam Main Road, Koyambedu
Chennai - 600 107.

..Petitioner(s)

Vs

1. The Indian Oil Corporation Limited
Represented by its General Manager
(Retail Sales) (Marketing Division)
Indian Oil Bhavan,
No 139 Uthamar Gandhi Road
Chennai - 600 034.

2. The Chief General Manager (LPG) and
Central Public Information Officer,
Indian Oil Corporation Ltd (Marketing Division)
Indian Oil Bhavan,
139 Uthamar Gandhi road,
Chennai - 600 034.

..Respondent(s)

PRAYER : Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus calling for the records and direct the 1st Respondent and 2nd Respondent to provide the copy of the partnership deed and the other relevant records to the petitioner to bear the fruit of his investments and the share of profit at least now at the age of 72 years.

For Petitioner(s): Mr.M. Sathya Kumar

For Respondent(s): Mr.Mohamed Fayaz Ali
Standing Counsel for R1 & R2

ORDER

The above writ petition has been filed seeking a mandamus to the first and second respondents to provide a copy of the partnership deed to the petitioner.

2. The case of the petitioner is that he is the lawful partner in M/s.Spur Tank Road Filling Station, which is a retail outlet of the Indian Oil Corporation, the respondents herein. The dealership was originally allotted to the petitioner's brother. Since the petitioner's brother was employed full-time in Canara Bank, Mayuram, the petitioner was managing and investing the dealership operations right from the beginning. The petitioner would submit that a formal request for reconstitution of dealership firm into partnership firm was initiated by his brother. This was set in motion through the letter dated 30.03.1982 addressed by the Chief Divisional Manager to the Regional Office, seeking approval to include the name of the petitioner as second partner in the dealership business. On the basis of this correspondence, the General Manager (Retail Sales), IOCL, has approved the inclusion of the petitioner's name as second partner, on

21.05.1982. According to the petitioner, this was the final administrative decision taken by the respondent-Corporation.

3. Pursuant to this approval, the respondents had directed the petitioner and his brother to submit necessary indemnity letters, which was also submitted by them on 09.07.1982. This was forwarded to the Regional Office of the respondent-Corporation by the Chief Divisional Manager on 16.08.1982, thereby completing the formalities for reconstituting the dealership.

4. Thereafter, the petitioner came to learn that his brother had unlawfully excluded him from the dealership operation from 06.09.1982 and misappropriated all the original partnership documents. The petitioner had made multiple representations to the respondents seeking to furnish him the certified copy of the partnership deed. The first of such letters was dated 13.12.1983 to the General Manager, IOCL, and the same was ignored without any valid reasons. The petitioner thereafter addressed letters to the Union Minister for Petroleum and other officials, however, with no result. On 07.10.1986, the petitioner had met the General Manager of IOCL, who had assured orally that he would trace the document and provide him a copy. Since the respondents failed to provide him the said document, the petitioner had filed O.S.No.9251 of 1987 before the City Civil Court, Chennai, against his brother and IOCL, the

respondents herein, seeking his rightful share in the partnership profits and dealership affairs. In the said suit, the IOCL has taken a defence that the petitioner's name was not included as a partner. The petitioner has also sought for these documents by engaging through the RTI Act.

5. The petitioner would also submit that in the year 2010 and in 2016, the respondent-Corporation had forwarded a fabricated and unsigned copy of partnership deed which the petitioner had not executed. Further, on 27.07.2012, the petitioner was permitted to inspect a set of IOCL records and was given access to 35 documents, which evidenced the proposal, approval and processing of the partnership, which clearly establish the fact that he was declared as a partner in the said firm. Therefore, alleging that the respondents have failed to produce the records in question, which are required by him to prove his case, the petitioner is before this Court.

6. This Court heard the rival submissions of the counsels and also perused the material records placed before it.

7. The learned counsel for the respondent-Corporation had pointed out that it is no doubt true that the respondents had granted approval for reconstituting the sole proprietary concern as a partnership firm. However, the partnership deed had neither been executed nor submitted to the respondents

and the other documents namely the indemnity letters and partnership deed, which were sought for in the respondent's letter dated 12.06.1982, has not been filed. Therefore, the reconstitution remained only at the approval stage and the dealership deed had not been reconstituted as a partnership deed. Further, the petitioner's brother who is the sole proprietor running the dealership had given a letter dated 07.02.1984 to the respondent stating that he is not willing to take his brother, the petitioner herein, as a partner and he only wished to continue his business with IOCL as a proprietary concern. In the said letter, it has been clearly stated that he was revoking the said request, on account of certain developments in his family and as the inclusion of petitioner would result in a doom for the business. Therefore, once the partnership agreement itself has not been executed, and it was only the approval granted by the respondent-Corporation to reconstitute the firm, the demand made by the petitioner is without any basis. It is in these circumstances, the Court cannot issue a mandamus to the respondents to issue the non-existing document.

8. With the above observation, the writ petition is dismissed. No costs.

12-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

DS

To:

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2. The Chief General Manager (LPG) and
   Central Public Information Officer,
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P.T.ASHA J.

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