

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 29<sup>TH</sup> DAY OF OCTOBER 2021 / 7<sup>TH</sup> KARTHIKA, 1943

WP(C) NO. 27016 OF 2011

PETITIONER:

ELSY ANTONY, AGED 61 YEARS,  
W/O.ANTONY, PROPRIETRESS, ST.ANTONY'S GAS AGENCIES,  
NEAR POLICE STATION, ADIMALI P.O 685 561,  
IDUKKI DISTRICT.

BY ADVS.  
SRI.B.ASHOK SHENOY  
SMT.LAKSHMI B.SHENOY

RESPONDENTS:

- 1 UNION OF INDIA, REPRESENTED BY THE  
SECRETARY TO GOVERNMENT, MINISTRY OF PETROLEUM &  
NATURAL GAS, SHASTRI BHAVAN, NEW DELHI 110 001.
- 2 INDIAN OIL CORPORATION LTD. REPRESENTED  
BY ITS DIRECTOR(MARKETING), INDIAN OIL BHAVAN,  
G-9, ALI YAVAR JUNG MARG, BANDRA(EAST),  
MUMBAI - 400 051.
- 3 BHARAT PETROLEUM CORPORATION LTD.  
REPRESENTED BY ITS CHAIRMAN CUM MANAGING DIRECTOR, 4  
& 6, CURIMBHOY ROAD, BALLARD ESTATE, MUMBAI - 400 051
- 4 HINDUSTAN PETROLEUM CORPORATION LTD.  
REPRESENTED BY ITS CHAIRMAN CUM MANAGING DIRECTOR,,  
PETROLEUM HOUSE, 17 JAMSHEDJI TATA ROAD,  
MUMBAI - 400 020.

BY ADV E.K.NANDAKUMAR (SR.)

SMT.RAMOLA NAYANPALLY, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
29.10.2021, ALONG WITH WP(C).27017/2011, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN**

**FRIDAY, THE 29<sup>TH</sup> DAY OF OCTOBER 2021 / 7TH KARTHIKA, 1943**

**WP(C) NO. 27017 OF 2011**

**PETITIONERS:**

- 1 PRASAD BHASKAR, AGED 41 YEARS,  
S/O.BHAKSARAN, PROPRIETOR, PR GAS AGENCIES,  
IDUKKI COLONY P.O, CHERUTHONI,  
IDUKKI DISTRICT - 685 602.
- 2 JAMES MATHAI, AGED 56 YEARS  
S/O.MATHAI, PROPRIETOR, DIVINE GAS ENTERPRISES,  
KATTAPPANA, IDUKKI DISTRICT - 685 508.
- 3 RENI.K.ALEX, AGED 33 YEARS,  
S/O. OF ALEXANDER THOMAS, PROPRIETOR,,  
KUROMBILLIL GAS AGENCIES, ANAKKARA,,  
UDUMBANCHOLA, IDUKKI DISTRICT - 685 554.

BY ADV SRI.B.ASHOK SHENOY

**RESPONDENTS:**

- 1 UNION OF INDIA REPRESENTED BY THE  
SECRETARY TO GOVERNMENT, MINISTRY OF PETROLEUM &  
NATURAL GAS, SHASTRI BHAVAN, NEW DELHI - 110 001.
- 2 INDIAN OIL CORPORATION LTD.  
REPRESENTED BY ITS DIRECTOR(MARKETING), INDIAN  
OIL BHAVAN, G-9, ALI YAVAR JUNG MARG,  
BANDRA(EAST), MUMBAI - 400 051.
- 3 BHARAT PETROLEUM CORPORATION LTD.  
REPRESENTED BY ITS CHAIRMAN CUM MANAGING  
DIRECTOR, 4 & 6 CURIMBHOY ROAD, BALLARD ESTATE,  
MUMBAI - 400 001.
- 4 HINDUSTAN PETROLEUM CORPORATION LTD.  
REPRESENTED BY ITS CHAIRMAN CUM MANAGING

DIRECTOR, PETROLEUM HOUSE, 17 JAMSHEDJI TATA  
ROAD, MUMBAI - 400 020.

BY ADVS.  
M. GOPIKRISHNAN NAMBIAR  
JOSON MANAVALAN  
KURRYAN THOMAS  
PAULOSE C. ABRAHAM  
P.BENNY THOMAS  
E.K.NANDAKUMAR (SR.)

SMT.RAMOLA NAYANPALLY, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 29.10.2021, ALONG WITH WP(C).27016/2011, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.V.KUNHIKRISHNAN, J**

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**W.P. (C) Nos. 27016 and 27017 of 2011**  
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**Dated this the 29<sup>th</sup> day of October 2021**

**JUDGMENT**

**The above writ petitions are connected and therefore I am disposing these two writ petitions by a common judgment. It will be better to extract the prayers in one of the writ petitions and therefore I will extract the prayer in W.P. (C) No. 27016 of 2011.**

"a) Call for the records and files leading to Exts.P5 and P6 issued by respondents nos.2 to 4 and quash Exts.P5 and P6 to the extent it seeks to appoint new distributors for Liquified Petroleum Gas in Idukki District at 'Bison Valley', 'Konathady', 'Rajakumari', 'Chinnakanal', 'Senapathi', 'Nedumkandam', 'Devikulam', and 'Kattappana', by issuance of a writ in the nature of certiorari or any other appropriate writ, order or direction;

b) Issue a writ in the nature of prohibition or any other appropriate writ, order or direction prohibiting respondents from appointing new distributors for Liquified Petroleum Gas pursuant to Exts.P5 and P6 in Idukki District at 'Bison Valley', 'Konathady',

*'Rajakumari', 'Chinnakanal', 'Senapathi',  
'Nedumkandam', 'Devikulam' and 'Kattappana';  
and.*

*c) Grant such other and further reliefs  
as are deemed just deemed and necessary in the  
facts and circumstances of the case including  
the costs of this proceedings; as also the  
following."*

2. The grievance of the petitioners is that the Oil Marketing Companies are granting distributorship without any criteria and adjacent to the existing distributors. These writ petitions are pending from 2011 onwards. There is no interim order also in these writ petitions.

3. Heard the learned counsel appearing for the petitioners and the learned Standing counsel for the respondent Companies.

4. These writ petitions are filed on 12.10.2011 and are still pending. Based on the prayers in these writ petitions, I think this Court may not be able to pass any orders at this distance of time. These are matters to be decided by the Company according to their discretion. If there is any individual grievance to the

petitioners, they can approach the respondent Company with representations. If such representations are received, the Company will do the needful based on the individual representation.

With this observation, these writ petitions are disposed of.

Sd/-  
P.V.KUNHIKRISHNAN  
JUDGE

DM

**APPENDIX OF WP(C) 27017/2011**

PETITIONER EXHIBITS

EXHIBIT P1	TRUE COPY OF NEWS ITEM PUBLISHED IN MATHRUBHUMI DAILY DATED 5.8.2011.
EXHIBIT P2	TRUE COPY OF NEWS ITEM PUBLISHED IN DEEPIKA, DAILY DATED 5.8.2011.
EXHIBIT P3	TRUE COPY OF ITEM PUBLISHED IN MATHRUBHUMI DAILY DATED 3.9.2011.
EXHIBIT P4	TRUE COPY OF NEWS ITEM PUBLISHED IN DEEPIKA, DAILY DATED 2.9.2011.
EXHIBIT P5	TRUE COPY OF NOTICE ISEUD BY RESPONDENTS NOS 2 TO 4, PUBLISHED IN MATHRUBHUMI DAILY DATED 30.12.2010.
EXHIBIT P6	TRUE COPY OF NOTICE ISSUED BY RESPONDENT NOS. 2 TO 4. PUBLISHED IN MALAYALA MANORAMA DAILY DATED 30.7.2011.
EXHIBIT P7	TRUE COPY OF BROCHURE ON SELECTION OF RAJIV GANDHI GRAMIN LPG VITRAK ISSUED BY RESPONDENTS NOS 2 TO 4.
EXHIBIT P8	TRUE COPY OF LETTER NO. P-20020/22/2009-MKT. DATED 6.8.2009 ISSUED BY ITS RESPONDENT TO RESPONDENTS NOS 2 TO 4 WITH RAJIV GANDHI GRAMIN LPG VITRAK SCHEME ATTACHED THERETO.
EXHIBIT P9	TRUE COPY OF BROCHURE ON GUIDELINES FOR SELECTION OF REGULAR LPG DISTRIBUTORS ISSUED BY RESPONDENTS 2 TO 4.

RESPONDENT EXHIBITS

EXHIBIT R3 (A)	TRUE COPY OF THE DISTRIBUTORSHIP AGREEMENT DATED 21.07.2012 ENTERED INTO BETWEEN THE PETITIONER AND THE 3RD RESPONDENT.
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**APPENDIX OF WP(C) 27016/2011**

PETITIONER EXHIBITS

EXHIBIT P1	TRUE COPY OF NEWS ITEM PUBLISHED IN MATHRUBHUMI DAILY DATED 5.8.2011
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EXHIBIT P8	TRUE COPY OF LETTER NO.P-20020/22/2009 -MKT. DATED 6.8.2009 ISSUED BY 1ST RESPONDENTS NOS.2 TO 4 WITH RAJIV GANDHI GRAMIN LPG VITRAK SCHEME ATTACHED THERETO
EXHIBIT P9	TRUE COPY OF BROCHURE ON GUIDELINES FOR SELECTION OF REGULAR LPG DISTRIBUTORS ISSUED BY RESPONDENTS NOS.2 TO 4

RESPONDENT EXHIBITS

EXHIBIT R3(A)	TRUE COPY OF THE DISTRIBUTORSHIP AGREEMENT DATED 17.9.2004 ENTERED INTO
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WP(C) Nos. 27016  
& 27017 of 2011

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BETWEEN THE PETITIONER AND THE 3RD  
RESPONDENT

//TRUE COPY//

PA TO JUDGE