

Geetha Vs. the Chief Area Manager

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Court : Kerala

Decided On : Oct-05-2013

Judge : Honourable Mr.Justice P.R.Ramachandra Menon

Appellant : Geetha

Respondent : The Chief Area Manager

Judgement :

IN THE HIGH COURT OF KERALAAT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON SATURDAY, THE 5TH DAY OF OCTOBER 2013 13TH ASWINA, 1935 WP(C).No. 24387 of 2013 (W) ----- PETITIONER(S): ----- GEETHA, W/O.MADHAVAN P. (LATE), AGED 52 YEARS RAM GAS AGENCIES, MUNDUPARAMBU P.O. MALAPPURAM DISTRICT. BY ADVS.SRI.BABU S. NAIR SRI.K.RAKESH RESPONDENT(S): ----- 1. THE CHIEF AREA MANAGER, INDIAN OIL CORPORATION LIMITED, 2ND FLOOR, P.M.K. TOWERS, CIVIL STATION POST, WAYNAD ROAD KOZHIKODE, PIN - 673 020.

2. THE GENERAL MANAGER, p THE KERALA STATE OFFICE THE INDIAN OIL CORPORATION LIMITED PANAMPILLY AVENUE, COCHIN, PIN - 682 036. BY SRI.M.GOPIKRISHNAN NAMBIAR STANDING COUNSEL, IOC. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 0510-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 24387 of 2013 (W) APPENDIX PETITIONER(S)' EXHIBITS -----

EXT.P1: TRUE COPY OF THE GUIDELINES FOR RECONSTITUTION ISSUED BY THE INDIAN OIL CORPORATION LIMITED UPDATED ON 11/10/2011 EXT.P2: TRUE COPY OF THE LETTER DATED 29/10/2013 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER. EXT.P3: TRUE COPY OF THE LETTER ISSUED BY THE PETITIONER TO THE 2D RESPONDENT DATED 21/10/2013. RESPONDENT(S)' EXHIBITS ----- NIL // TRUE COPY // P.A. TO JUDGE sou. P.R.RAMACHANDRA MENON, J.

----- W.P.(c) No.24387 OF 2013-----
----- Dated this the 5th day of October, 2013

JUDGMENT

The petitioner is the wife of the deceased licensee who was allotted a dealership to run LPG unit by the respondents. The husband of the petitioner took his last breath on 31.08.2013 and in the said circumstances, on the very next date, the factum of death was communicated to the first respondent requesting him to permit the petitioner to operate the distributionship till the reconstitution is brought on record. The petitioner was served with Ext.P2 reply dated 2-9-2013 pointing out that the request could be considered only after submission of the 'legal heirship certificate' from the revenue authorities, simultaneously making it clear that, till the actual reconstitution was completed, the petitioner would stand permitted to run the distributionship with all rights and responsibilities of a regular distributor.

2. The case of the petitioner is that the petitioner has already W.P.(C)No.24387/2013 2 taken necessary steps to obtain legal heirship certificate. But because of various hurdles, the revenue authorities have not finalised the proceedings and there is some delay. In the meanwhile, the petitioner has been given to understand that, for want of production of legal heirship certificate, the distributionship might be cancelled by the respondents and hence the writ petition.

3. The learned Standing Counsel appearing for the respondents submits on instructions that, the factual position communicated to the petitioner vide Ext.P2 still continues and that any step to discontinue such arrangement will be taken only after issuance of notice and giving an opportunity of hearing to the petitioner. This being the position, it is stated that the writ petition is pre-mature. The above

submission is recorded and the writ petition is disposed of, without prejudice to the rights and liberties of the petitioner to approach this Court as and when necessitated. P.R.RAMACHANDRA MENON JUDGE sv. W.P.(C)No.24387/2013
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