



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO.15445 OF 2014 (GM-RES)

BETWEEN:

SMT. KALPANA B. K.
W/O. NARAYANASWAMY E.
AGED ABOUT 42 YEARS
RESIDENT OF MARAPPANAHALLI
TALAGAWAR POST, KAIWARA HOBLI
CHINTAMANI TALUK
CHIKKABALLAPUR DISTRICT

...PETITIONER

(BY SRI N. DILLI RAJAN, ADVOCATE FOR
SRI K. N. SUBBA REDDY, ADVOCATE)

AND:

1. THE DIRECTOR (MARKETING)
HINDUSTAN PETROLEUM CORPORATION LTD.,
NO.8, SHOORAGI VALLABA DAS NAGAR
BALLAD PEAR
BOMBAY-38
2. MR. S. K. SURI
DEPUTY GENERAL MANAGER (INCHARGE)
HPCL LIMITED
SOUTH CENTRAL ZONE
CHANDRALOK COMPLEX
1ST FLOOR, SAROJINIDEVI ROAD
SECUNDERABAD, HYDERABAD
ANDHRA PRADESH-560 003



3. M/S. HINDUSTAN PETROLEUM
CORPORATION LIMITED
REPRESENTED BY
SRI D. K. BARMON
CHIEF REGIONAL MANAGER (RETAIL)
CENTRAL PUBLIC INFORMATION
OLD MADRAS ROAD
DOORAVANI NAGAR
BENGALURU-560 016
4. SMT. T. SANDHYARANI
W/O. SRI A. K. BALAKRISHNA
AGED ABOUT 29 YEARS
RESIDING AT ADDEKOPPA VILLAGE
GOWDAGERE POST, MANCHENAHALLI
GOWRIBIDANUR-561 212
CHIKKABALLAPUR DISTRICT

...RESPONDENTS

(BY SRI ARJUN P. R., ADVOCATE FOR,
SRI M. S. NARAYAN, ADVOCATE FOR R-1 TO R-3;
SRI G. KRISHNAMURTHY, SR. COUNSEL FOR,
SRI SAMPATH BAPAT, ADVOCATE FOR R-4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION INDIA PRAYING TO QUASH THE LETTER OF INTENT DATED 12.4.2013 IN NO.BRO/SK/RET ISSUED BY THE RESPONDENT NO.3 IN FAVOUR OF RESPONDENT NO.4 VIDE ANNEXURES-W AND W1 AND DIRECT THE RESPONDENT NO.3 TO ALLOT THE RETAIL OUTLET DEALERSHIP IN FAVOUR OF THE PETITIONER AT KAIWARA CROSS ROAD, CHIKKABALLAPUR DISTRICT, SHE BEING THE SUCCESSFUL APPLICANT WITH THE HIGHEST MARKS.

THIS PETITION, COMING ON FOR HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL



ORAL ORDER

1. Petitioner who was an aspirant for allotment of petroleum dealership from respondent No.3 is before this Court being aggrieved by issuance of Letters of Intent dated 12.04.2013 and 15.01.2013 by respondent No.3 in favour of respondent No.4 as per Annexures-W and W1 seeking following reliefs:

"i) Issue a writ in the nature of Certiorari or any other writ or order quashing the Letter of Intent dated 12.04.2013 and 15.01.2013 in No. BRO/SK/RET issued by the respondent No.3 in favour of respondent No.4 vide Annexures-W and W1.

ii) Issue a writ in the nature of Mandamus or any other writ or order directing the respondent No.3 to allot the Retail Outlet Dealership in favour of the petitioner at Kaiwara Cross Road, Chikkaballapura District, she being the successful applicant with the highest marks.

iii) Issue a writ and grant such other and further reliefs as this Hon'ble Court deems fit in the facts and circumstances of the case including an order as to costs, in the interest of justice. "

2. Brief facts of the case are that the respondent No.3 had issued a notification dated 24.02.2008 published in one edition of Deccan Herald calling for applications for allotment of petroleum retail outlet dealership.
3. The location subject matter of the present petition is at Serial No.25 of the said notification, namely Kaiwara Cross Road, Chikkaballapura District, which is reserved



for the candidate belonging to category of Scheduled Tribe (Woman Category).

4. It appears petitioner as well as respondent No.4 had applied for allotment of dealership with respect to the said notified location. On assessment of their eligibility and other criteria, respondent No.3 had initially allotted 72.50 marks to respondent No.4 and 58.78 marks to the petitioner. Thereafter, in view of certain arithmetic errors the said marks were reassessed, and respondent No.4 was allotted 53.48 marks while the petitioner herein was allotted 49.48 marks as seen at Annexure-L. Consequently, the respondent No.4 was preferred to the petitioner.
5. Learned counsel for the petitioner taking this Court through the records submits that the petitioner and respondent No.4 have been awarded equal marks of '7' each under the Educational Qualification criteria. That, under the category of 'Capability to generate Business-Tied up Volume', petitioner has not been awarded any marks, while respondent No.4 has been awarded '5'



marks. That under the 'Experience Business Accumen' category respondent No.4 has been awarded '3' marks while the petitioner has been awarded '1' mark. It is his submission that the dispute is with respect to allotment of the marks under two categories namely, 'Capability to generate Business-Tied up Volume', and 'Experience Business Accumen'.

6. He takes this Court through the decision taken by the respondent No.3 upon the complaint filed by the petitioner on these two aspects. As regards, the 'Capability to generate Business-Tied up Volume' is concerned, he refers to affidavits produced by the respondent No.4 at Annexures-Z Series and submits that those affidavits are false, fabricated and have been brought purportedly sworn to by persons who are not even in existence and that though the complaint in this regard was raised by him, no verification has been conducted by the respondent No.3.
7. On the question of 'Experience Business Accumen', he brings to the notice of this Court to the document at



Annexure-S3, which is a certificate issued by certain S and S Trading Company, certifying that the respondent No.4 was working as Assistant Manager in their firm between January 2004 and February 2008.

8. He juxtaposes the said document with the document at Annexure-S2, which is a marks card issued by Board of Intermediate Education, Hyderabad, Andra Pradesh pertaining to respondent No.4, which is dated 05.05.2004. Thus, he submits that said Experience Certificate could not have been issued when respondent No.4 was still pursuing her studies.
9. He thereafter refers to the reasons assigned by the respondent No.3 as found at tabulation No.5 of the Order dated 01.07.2011 produced at Annexure-H and submits that even according to the respondent No.3, when they purportedly made enquiries, they found the firm which had issued the certificate was not in operation and they have not come to any specific conclusion except stating that the said firm might have existed.



10. There was yet another ground which was raised with regard to the 'caste certificate', that was issued in favour of the respondent No.4. The said issue was subject matter of writ petition in W.P.No.10120/2016, which has been allowed by this Court. In that view of the matter, learned counsel for the petitioner submits that he does not press upon the said ground.
11. Thus, upon the aforesaid two grounds, learned counsel for the petitioner submits that the records indicate lack of application of mind by respondent No.3 in assessing the 'Experience Business Accumen' as well as 'Capability to generate Business-Tied up Volume' categories of the petitioner, as such the respondent No.3 could not have been allotted the letters of intent.
12. Sri. G. Krishnamurthy, learned Senior counsel appearing for the respondent No.4 on the other hand at the outset submits that the petitioner has no locus-standi to maintain the petition, inasmuch as the petitioner is not the resident of the notified location, which is Kaiwara at Chikkaballapura Taluk. In this regard, he refers to the



Voter's list produced at Annexure-B to the statement of objection. Pointing out page No.26 of the said document, at Sl.No.173, where the name and photograph of the petitioner is reflected, he submits that said voter's list pertains to Byatarayanapura (General Assembly Constituency) and not to the area anywhere close to the notified location. He further refers to the caste certificate furnished by the petitioner produced at Annexure-B1 and points out that the said certificate has been issued in the Tahsildar, Bangalore North Taluk (Additional), Bangalore on 26.06.2006. Thus clearly making out a case that the petitioner was not the resident of the notified location.

13. In addition, he also brings to the notice of this Court to the condition Nos.IX and X under the heading "Note" of the notification produced at Annexure-A, which mandates the location under Sl.Nos.23 to 29 (which includes Sl.No.25 subject matter of the petition) the applicant shall be a resident of the concerned District. Thus, he submits that the document furnished by none other than the petitioner herself, reveals that she would not qualify even for the elementary qualification of being a resident of the



notified location. Therefore, he submits that the petitioner cannot urge the grounds seeking to disqualify the respondent No.4.

14. On merits he submits that the grounds urged by the petitioner with regard to allotment of mark under the criteria of 'Experience Business Accumen' as well as 'Capability to generate Business-Tied up Volume' is concerned, the same are disputed questions of fact, which cannot be gone into in a judicial review under Article 226 of Constitution of India. Besides, the ground so urged by the petitioner in a complaint before the respondent No.3 has already been considered as per Annexure-Q. Therefore, those factual aspects need not be gone into. Hence, seeks for dismissal of the petition.

15. He also refers to the judgment of the Hon'ble Apex Court in the case of ***Bhagwan Dass and another Vs. Kamal Abrol and others*** reported in ***(2005) 11 SCC 66***. Referring to paragraph No.12 of the said judgment, he submits that fulfillment of eligibility criteria regarding residence is indispensable and in the instant case,



petitioner not having satisfied the said criteria cannot be heard to say on any other grounds.

16. Heard and perused the records.
17. Petitioner had indeed raised factual grounds with regard to allotment of marks under the categories of 'Experience Business Accumen' as well as on the basis of 'Capability to generate Business-Tied up Volume', which respondent No.3 has considered and passed the order dated 01.07.2011.
18. It is settled principle of law that judicial review under Article 226 of Constitution of India is not matter of appeal. Outcome and the reasons assigned by the respondent-Authority, who is vested with the judicious power cannot be reversed in writ petition.
19. All that is required to be seen, if the procedure prescribed was complied with and if there is any illegality, error or violation of substantive procedure of law. Nothing in this regard is brought to the notice of this Court by the petitioner. Therefore, the findings on facts arrived at by



the respondent No.3 on the complaint given the petitioner cannot be looked into.

20. Secondly, the documents produced by the petitioner herself namely, the Residence Certificate as per Annexure-B7 and the Caste Certificate produced as per Annexure-B1, indicate that the petitioner purportedly belonging to two different places.
21. The Caste Certificate indicates she belonging to and being resident of the area within the jurisdiction of Tahsildar, Bangalore North Taluk (Additional), Bangalore. Whereas, the Residence certificate as per Annexure-B7 indicate that, based on the residential certificate issued by the Secretary of Masthanahally Grama Panchayath, the Tahsildar has certified she being a resident of Marappalli Village, Chikkaballapura Taluk. Thus there is contradiction in the very documents furnished by the petitioner.
22. That apart the respondent No.4 has furnished voter's list of the Byatarayanapura (General Assembly Constituency), Karnataka, wherein at Sl.No.173, details of the petitioner is shown as a voter thereof.



23. Condition No.X, under the heading "Note" of the notification produced at Annexure-A, read as under:

"X. For the location under Sl.No.23 to 29, 65 to 91, 105 to 114, the applicant should be a resident of concerned district. To qualify such candidature, a proof of residence certificate from the competent authority must be attached with the application as per Appendix 'C'. For these locations, the land offered by the applicants should not be on any of the Highways as of the date of application."

24. The Hon'ble Apex Court in the case of **Bhagwan Dass and another** (Supra) at paragraph No.12 has held as under:

"12. In the present case, the necessary eligibility criterion requires the applicant to be a resident of Kangra district. The advertisement inviting the applications has not defined the same and hence it would be necessary to see the intention of the framers of the eligibility criteria to understand the true meaning or the sense for which the word "resident" is used or as to why the criterion of resident is put as an eligibility criterion for allotment of LPG dealership/distributorship. In the present case the intention of the framers appears to be to provide employment or source of earning for the residents of Kangra district in the form of LPG dealership/distributorship. The eligibility criterion requires the person to be a resident of Kangra district only in the actual sense and not in any other sense. What is required to fulfil the eligibility criterion of residence is that the person should be a de facto resident and not have a mere connection with the place on account of her husband having some personal and ancestral property in Kangra. There is no finding recorded by the Court that the husband of Respondent 1 is permanently residing at Kangra or has permanent abode in Kangra. From the finding arrived at by the High Court it can be said that her husband having ancestral property in Kangra is a visitor to that place and occasionally resides there for a few days. Respondent 1 prima facie appears to be a permanent resident of Mandi, since her name appears in the voters' list of Mandi and that she has been drawing her ration from Mandi as per the case set up by the appellants. It is further clear that the intention of providing employment and source of earning to the



residents of the place would be fulfilled only if the person is actually living in Kangra and not by his/her remote connection to the place. It may also be seen that another eligibility criterion is that the person should not be a partner or having any dealership or distributorship agency in any petroleum company and, therefore, the dealership/distributorship has to be allotted to the person who does not hold any other dealership/distributorship agency of any other petroleum company. This term indicates that the Corporation wants that the dealership at a particular place has to be handled by that person, which would necessarily require the personal presence of that person at the place of business. The notice of intent issued to Respondent 1 on 3-3-1988 further clarifies this requirement when it says that the dealer is to be a full-time working dealer which necessitates the permanent residence at a place for which the dealership licence is given. When the agency requires full-time working dealer it would be only possible if the person actually resides in Kangra district and not working through agent or servants engaged for the said purpose. This further indicates that the dealer is required to be a de facto resident of the place from where the dealership licence is to be issued and it is not permissible to have casual connection or temporary residence at that place. "

25. Thus the elementary qualification for making an application seeking allotment of retail outlet at the notified location namely Kaiwara Cross Road, Chikkaballapura, which is reserved for Scheduled Tribe (Woman), *prima facie* has not been satisfied by the petitioner.

26. Petition lacks merits. Accordingly, petition is **dismissed**.

**Sd/-
(M.G.S. KAMAL)
JUDGE**

RL
List No.: 1 Sl No.: 19