

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

WP(C).No. 29704 of 2006 (J)

PETITIONER :

**T.C.MOHAMMED HAJEE,
CONTRACTOR, PUTHUR AMSOM AND DESOM,
OMASSERY, KOZHIKODE.**

BY ADV. SRI.M.CHATHUKUTTY NAMBIAR

RESPONDENT(S) :

- 1. GENERAL MANAGER,
HINDUSTAN PETROLEUM CORPORATION LIMITED, 17
JAM SHEDJI, TATA ROAD, MUMBAI.**
- 2. SENIOR REGIONAL MANAGER,
HINDUSTAN PETROLEUM CORPORATION LIMITED
KOZHIKKODU RETAIL REGION, ELATHUR, KOZHIKODE.**
- 3. GEORGE THOMAS,
EXECUTIVE SALES OFFICER
HINDUSTAN PETROLEUM CORPORATION LIMITED, ELATHUR
KOZHIKODE.**
- 4. K.P. PRASHOBH,
MINERVA SERVICE STATION, JIJUS, KUNNAMANGALAM
OMASSERY-673 572.**
- 5. V.P.SHEEJA,
POYYAMPARAMBATHU HOUSE, AYANILAM, RAMANATTUKARA
MALAPPURAM-673 633.**

**R1 TO R3 BY SENIOR ADVOCATE SRI.E.K.NANDAKUMAR
BY ADVS. SRI. ANIL D. NAIR
SRI. PAULOSE C. ABRAHAM**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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...2/-

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : PHOTOCOPY OF THE AGREEMENT BETWEEN 1ST RESPONDENT AND THE PETITIONER DATED 17-10-03.
- EXT.P2 PHOTOCOPY OF THE APPOINTMENT ORDER OF 4TH RESPONDENT DATED 22-11-04.
- EXT.P3 PHOTOCOPY OF THE PANCHAYAT LICENSE ISSUED BY THE OMASSERY GRAMA PANCHAYAT DATED 26-11-05.
- EXT.P4 PHOTOCOPY OF THE BROCHURE ISSUED BY THE HINDUSTAN PETROLEUM CORPORATION LTD WITH REGARD TO SELECTION OF RETAIL OUTLET DEALERS DATED 1-11-04.
- EXT.P5 PHOTOCOPY OF THE APPOINTMENT ORDER OF THE 5TH RESPONDENT FOR OPERATING THE RETAIL OUTLET EFFECTIVE FROM 15-11-06.

RESPONDENT'S EXHIBITS :

- EXT.R1(a) : COPY OF THE ADVERTISEMENT ISSUED IN THE METHRUBHUMI DAILY DATED 6.5.2003.
- EXT.R1(b) COPY OF THE ADVERTISEMENT ISSUED IN THE NEW INDIAN EXPRESS DAILY DATED 6.5.2003.

//TRUE COPY//

P.S. TO JUDGE

Mn

K. Vinod Chandran, J

W.P.(C).No.29704 of 2006-J

Dated this the 02nd day of June, 2015

JUDGMENT

The petitioner challenges Exhibit P5, by which the 5th respondent was appointed for operating a retail outlet at Omasserry, Kozhikode District.

2. At the time of admission, there was an interim order, making it clear that the grant to the 5th respondent will be subject to the result of the writ petition. It is evident that the 5th respondent has not been served till date.

3. The facts with reference to the claim raised by the petitioner was that, the petitioner had given on lease a land as per Exhibit P1 to the respondent-Corporation for carrying on a retail outlet. The petitioner's contention is that, when two persons were appointed to carry on the dealership, five persons were appointed by the petitioner as employees of the dealership. It is also contended that a specific promise has been made that the dealership would eventually be granted to the petitioner.

4. Despite the assertion of a promise by the Corporation, nothing is produced to indicate such promise. Exhibit P1 also does not reveal such an understanding. The learned counsel for the respondent-Corporation would refute the claim of promise made by the Corporation and would state that, on the contrary there was a specific condition that no preferential claim for allotment can be made by the persons who offered land for establishment of retail outlet. The agreement entered into at Exhibit P1 is said to be specifically pursuant to a public notice issued. Vernacular version and English version of the notifications are produced as Exhibits R1(a) and R1(b). Specific reference is made to the 2nd condition in both the aforesaid notifications, which clearly interdict any person who offers land under the notification from raising any claim for preferential right of allotment of dealership. In the above circumstances, the claim raised by the petitioner in the writ petition is found to be devoid of merit.

Resultantly, the writ petition would stand dismissed. No costs.

Sd/-
K.Vinod Chandran
Judge.

vkul/-

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