

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.7319 of 2012

ORDER:

The petitioner prays for Mandamus declaring the action of respondents in not cancelling notification dated 23.10.2010 and selection of 5th respondent in the meeting held on 28.09.2011 in spite of representations dated 14.10.2011, 15.10.2011, 15.11.2011 and 17.11.2011 and non-consideration of endorsement dated 11.11.2011 as illegal, arbitrary and unconstitutional.

The petitioner claims to be the authorized dealer of an outlet of BPCL at Railway Kodur. He nurtures a grouse against the selection process initiated by Indian Oil Corporation Limited, through advertisement dated 23.10.2010. According to him, in the selection pursuant to the advertisement dated 23.10.2010, the 5th respondent was selected as the dealer for the subject outlet. The petitioner, after coming to know that the land offered by the 5th respondent is involved in litigation and the establishment of outlet is objected by the Harijans in the neighbouring locality, claims to have represented on the dates referred to above to Indian Oil Corporation Limited-3rd respondent for appropriate orders.

The complaint in the writ petition is that the respondents are not acting in the matter, firstly, by passing orders on the representations filed by the petitioner and secondly, the advertisement dated 23.10.2010 is not cancelled.

Heard learned counsel for the petitioner and Sri P.Prabhakar Rao.

The petitioner claims to be the dealer of BPCL and he is not one of the applicants pursuant to the advertisement dated 23.10.2010. He, hardly has *locus* to complain against the mode and manner of selection taken up by the Indian Oil Corporation pursuant to the advertisement dated 23.10.2010. Merely because a few representations are filed by the petitioner, the respondents are not

under obligation either to consider or communicate any reply to the petitioner. Each advertisement including the advertisement dated 23.10.2010 is with several terms and conditions of eligibility, suitability etc., of all the applicants and the sites offered for setting Dealership etc. Therefore, it is for the respondents to consider the applications in the light of advertisement dated 23.10.2010 and pass appropriate orders.

On the ground that the petitioner being an authorized dealer of another Corporation and that he is not an applicant in the advertisement dated 23.10.2010 and lacks *locus*, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

S.V. BHATT, J

Date: 22.01.2015

KLP