

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.36577 of 2016

K.Thiyagarajan

... Petitioner

Vs.

1.The Executive Director (TN & P),
The Indian Oil Corporation Ltd.,
No.139, Mahatma Gandhi Road,
Chennai - 600 034.

2.The Chief Divisional Retail Sales Manager,
Indian Oil Corporation Limited,
Indian Oil Bhavan,
No.8/1079, Avinashi Road,
Coimbatore - 641 018.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of the second respondent dated 12.9.2016 in CBE DO/KSK SRMP/2014-15/14/1 and quash the same and consequently direct the second respondent to grant retail outlet dealership to the petitioner as per the advertisement published in the Daily Thanthi dated 17.10.2014.

For Petitioner : Mr.P.Kannan Kumar

For Respondents : Mr.Mohamed Faiyaz

O R D E R

By consent of the counsel, the Writ Petition itself is taken up for disposal at the admission stage.

2. According to the petitioner, the second respondent herein issued an advertisement in the Daily Thanthi dated 17.10.2014 calling applications for Retail Outlet for the sale of Diesel and Petrol. In the said advertisement in Sl.No.14 was allotted for Scheduled Caste Quota and the petitioner found to be fully eligible in terms of the advertisement. As per the advertisement, the land should locate between Kangeyam Bus Stand and Moolakadai Bus Stop. Therefore, the petitioner identified

the land which falls within SH83A between Moolakadai Bus Stop and Kangeyam Bus Stand and executed a lease deed with the land owner for a period of 21 years on 7.11.2014 before the Sub-Registrar, Kangeyam vide Document No.4240 of 2014. The petitioner is paying rent to the land owner as per the terms and conditions of Registered Lease Deed. After the visiting the site, the second respondent informed the petitioner to come to the office received the Application Form. During site visit, the second respondent and his technical team, informed the petitioner to shift 11 KV High Tension Electricity Line which passes through the petitioner's site. Thereafter, the petitioner approached through the land owner to the Assistant Engineer, Operation and Maintenance, Tamil Naud Generation and Distribution Corporation, Kangeyam - 638 701 requesting to shift the Electric Line. The Assistant Engineer directed the petitioner to pay a sum of Rs.2,14,140/- towards the shifting charges. However, the second respondent issued a communication dated 12.9.2016 stating that the petitioner's candidature has not been found to be eligible for the retail outlet dealership since the land offered is not falling in the advertised area. Immediately, on 19.9.2016, the petitioner made a representation to the second respondent stating that the land offered by the petitioner falls within the area as per the advertisement and the land is situated between Kangeyam Bus Stand and Moolakadai Bus Stop and located 273 feet before the Moolakadai Bus Stop. Thereafter, the petitioner also made another detailed representation on 22.9.2016. However, the petitioner's request was not considered. Therefore, the petitioner is challenging the rejection order dated 12.9.2016 passed by the second respondent refusing to grant retail outlet to the petitioner.

3. The learned counsel for the petitioner has submitted that the grievance of the petitioner is that though he has submitted his representation within 10 days from the date of receipt of notice, the petitioner's representation dated 19.9.2016 has not been considered till date. He has also got information from the Tahsildar under the Right to Information Act that the property offered by the petitioner falls only within the area advertised by the second respondent. Therefore, he only seeks for a mandamus to the respondents to consider and pass orders on merits.

4. Heard the learned counsel appearing for the parties.

5. The learned counsel for the respondents has stated that it is informed that the petitioner's Application is under process and they will consider and pass orders in due course.

6. In that view of the matter, the respondents are directed to consider and pass orders in accordance with law

within one month from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

asvm
copy to:

- 1.The Executive Director (TN & P),
The Indian Oil Corporation Ltd.,
No.139, Mahatma Gandhi Road,
Chennai - 600 034.
- 2.The Chief Divisional Retail Sales Manager,
Indian Oil Corporation Limited,
Indian Oil Bhavan,
No.8/1079, Avinashi Road,
Coimbatore - 641 018.

+1cc to M/S.P.Kannankumar, Advocate sr.59572
+1cc to M/S.Mohamed Fayaz Ali, Advocate sr.59300

W.P.No.36577 of 2016

cnr[co]
srg 07/12/2016

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