

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.43500 of 2016
and W.M.P.No.37328 of 2016

Kanaka

[Petitioner]

Vs

The Indian Oil Corporation
Indian Oil Bhavan
Rep by its Executive Director
No.139 Mahatma Gandhi Road
Chennai-600 034

[Respondents]

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondent to pass orders on the petitioner's application dated 20.11.2014 for retail outlet dealership in respect of the proposed outlet to be established at Kokkarayannpettai Namakkal District pursuant to the Respondent notification dated 16.10.2014.

For Petitioner : Mr.P.Chandrasekar

For Respondent : Mr.M. Ravindran, Senior Counsel
for Mr.V.Anandha Natarajan

ORDER

Heard the learned counsel for the petitioner and Mr.M.Ravindran, learned Senior Counsel for Mr.V.Anandha Natarajan, learned Standing Counsel who accepts notice on behalf of the respondent and with the consent on either side, the writ petition is taken up for final disposal.

2. The case of the petitioner is that pursuant to the notification issued by the respondent calling for applications for conducting a retail outlet, the petitioner submitted her application dated 20.11.2014 along with requisite fee. It is the grievance of the petitioner that, without any intimation, the premises in question was inspected by the authority concerned on 21.10.2016 and though it was protested by a communication dated 25.10.2016, neither the respondent has responded to the same nor

they have done re-inspection of the site proposed by the petitioner. The petitioner states that it transpires that on the basis of the unilateral inspection, the authority has rejected the site offered by her, so that the dealership could be allotted to some other person. Aggrieved over the action of the respondent, the petitioner is before this Court.

3. The learned Senior Counsel appearing for the respondent Indian Oil Corporation has brought to the notice of this Court that even as early as on 19.11.2016, a communication has been sent to the address as given in the application of the petitioner, wherein, it has been stated that by their letter dated 26.07.2016, they have requested the petitioner to submit few documents and time was also given till 17.08.2016 for rectification and since they did not receive any rectification documents, her application was considered ineligible. Further, it is stated in the said communication that as per the existing dealership guidelines, letter to ineligible applicants would be sent at the time of issuance of letters for draw of lots to eligible applicants and since they have not issued draw of lots letter to eligible candidates, status of her application could not be intimated earlier. This letter has been duly served on the petitioner as per the acknowledgement produced dated 21.11.2016.

4. After perusing the communication dated 19.11.2016 produced before this Court, this Court is of the view that the present writ petition is not maintainable. If the petitioner is aggrieved, she has to challenge only the rejection order dated 19.11.2016.

5. In view of the above, the writ petition fails and the same is dismissed, giving liberty to the petitioner to challenge the order dated 19.11.2016, if she is so advised. No costs. Connected miscellaneous petition is also dismissed.

s/d-
Assistant Registrar

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Sub-Assistant Registrar

rg

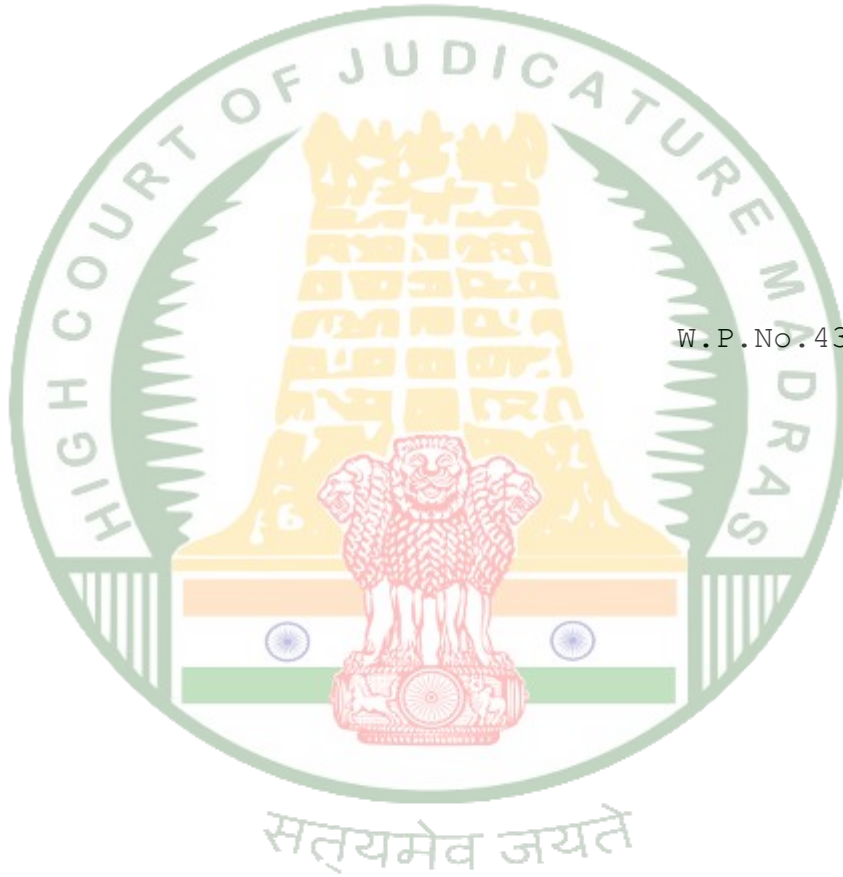
To

Executive Director
The Indian Oil Corporation
Indian Oil Bhavan
No.139 Mahatma Gandhi Road
Chennai-600 034

+1 CC to Mr. P. Chandrasekar, Advocate in SR 74506

+1 CC to Mr. V. Anantha Natarajan, Advocate SR 73941

SS
sp/24/1



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