

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.5558 of 2016

K.Chinnasamy

... Petitioner

Vs.

1. The Regional Officer,
Ministry of Road Transport & Highways,
Regional Office,
C-1-A, Rajaji Bhavan,
Besant Nagar, Chennai-600 090.
2. The Chief Engineer,
National Highways,
Chepauk, Chennai-600 005.
3. The Superintending Engineer,
National Highways,
Omalar Main Road, Salem-636 004.
4. The Divisional Engineer,
National Highways,
ATT Colony, Coimbatore-600 018.
5. M/s.Sathyamangalam Lorry Owners Association,
represented by its President, S.K.Ponnusamy,
105, Mysore Trunk Road,
Rangasamudhiram Village,
Sathyamangalam Taluk and District,
Erode District.
6. The Regional Manager,
Bharat Petroleum Corporation (Regional Office)
No.1, Ranganathan Gardens,
11th Main Road, Anna Nagar,
Chennai-600 040.
7. The Territory Manager (Retail),
Bharat Petroleum Corporation Ltd.,
Coimbatore Territory Office,
Ravathur Post, Irugur Via,
Coimbatore-641 103.

... Respondents

The Writ Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus, to direct the first respondent to cancel the "In Principle" letter, dated 12.5.2015, in establishing a retail outlet at the Sathyamangalam-Bannari Road NH 209 (RHS), Chikkarasampalayam location, Sathyamangalam Taluk, Erode District, based on the legal notice of the petitioner, dated 8.9.2015.

For Petitioner : Mr.R.Bharanidharan

For Respondents : Mr.Su.Srinivasan, ASG for R-1
Mr.R.Ravichandran, AGP for RR2 to 4
Mr.Kandhan Doraisami for R-5
K.Ethiraj for RR6 and 7

ORDER

Heard the learned counsels, appearing on behalf of the parties concerned.

2. This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus to direct the first respondent to cancel the "In-Principle" letter, dated 12.5.2015, issued for the establishment of the retail outlet, at Chikkarasampalayam, on NH 209, Sathyamangalam-Bannari Road, based on the legal notice of the petitioner, dated 8.9.2015.

3. It has been stated that the petitioner had applied for the grant of dealership to install the retail outlet of Bharat Petroleum Corporation Limited, at Chikkarasampalayam, on NH 209, Sathyamangalam-Bannari Road, pursuant to the advertisement, dated 15.9.2011. After the selection process had been completed, the fifth respondent had been selected, for the awarding of the dealership to install the retail outlet. It has been alleged that the dealership had been awarded, in favour of the fifth respondent, based on fraudulent documents. The fifth respondent had not shown that the property, in which the retail outlet was to be located, belongs to it. Therefore, the awarding of the dealership to the fifth respondent, for setting the retail outlet at Chikkarasampalayam, on NH 209, Sathyamangalam-Bannari Road, is erroneous and illegal in the eye of law. In such circumstances, the petitioner has preferred the present writ petition, praying for a direction to the first respondent to cancel the "In-Principle" letter, dated 12.5.2015.

4. The learned counsel appearing on behalf of the sixth and the seventh respondents had submitted that the awarding of

the dealership for the supply of the petroleum products, at Chikkarasampalayam, on NH 209, Sathyamangalam-Bannari Road, in favour of the fifth respondent, is in order, and it has been based on the documents furnished by the fifth respondent. The allegations made by the petitioner, in the present writ petition, had not been substantiated by him, with sufficient evidence. Even otherwise, it would not be open to the petitioner to pray for a direction for the cancellation of the "In-Principle" letter, dated 12.5.2015, at this stage. It has been further stated that the fifth respondent had been granted dealership and it had started its operation, on 26.2.2016. It has also been pointed out that the petitioner has preferred another writ petition, before this Court, in W.P.No.33153 of 2015, in which he has questioned the selection of the fifth respondent, for the awarding of the dealership. Therefore, the present writ petition filed by the petitioner is liable to be dismissed, as it is devoid of merits.

5. The fifth respondent has filed a counter affidavit, dated 26.6.2016, denying the averments made in the affidavit filed in support of the writ petition.

6. In view of the averments made in the affidavit filed in support of the writ petition and in the counter affidavit filed on behalf of the fifth respondent and in view of the submissions made by the learned counsel appearing on behalf of the parties concerned, this Court is of the considered view that the petitioner does not have the locus standi to pray for a direction to the first respondent to cancel the "In-Principle" letter, dated 12.5.2015, at this stage. It is also noted that the fifth respondent, having been allotted the dealership, had commenced its operation, on 26.2.2016. It is also noted that the petitioner has filed a writ petition, before this Court, in W.P.No.33153 of 2015, challenging the selection process, by which the fifth respondent had been selected, for the awarding of the dealership in question. In such view of the matter, this court finds it appropriate to dismiss the writ petition, as it is devoid of merits. Hence, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

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Bharat Petroleum Corporation Ltd.,
Coimbatore Territory Office,
Ravathur Post, Irugur Via,
Coimbatore-641 103.
- +1cc to Mr.K.Ethiraj, Advocate, S.R.No.38484
+1cc to Mr.V.Kadhirvelu, Advocate, S.R.No.39407
+1cc to Mr.Su.Srinivasan, Advocate, S.R.No.38858
+1cc to Mr.Kandhan Doraisami, Advocate, S.R.No.38579
+1cc to the Government Pleader, S.R.No.38978

W.P.No.5558 of 2016

SKV(CO)
CA(27/07/2016)