

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.2909 of 2017
and
W.M.P.Nos.2816 and 2817 of 2017

Kanaka

...Petitioner

Vs.

1. The Indian Oil Corporation,
Indian Oil Bhavan,
rep. By its Executive Director,
No.139, Mahatma Gandhi Road,
Chennai-600 034.
2. The Chief Divisional Retail Sales Manager,
Indian Oil Corporation Limited
(Marketing Division), Sale Divisional Office,
No.234, 1st Floor, NH-7,
Salem-Bangalore Bye Pass Road,
Kondalampatti,
Salem - 636 010.
3. K.K.Vivekanandhan
4. The District Revenue Officer,
Namakkal, Namakkal District.
5. The Superintendent of Police,
Namakkal, Namakkal District.
(R4 & R5 impleaded as per order dt.04.12.2017
made in W.M.P.No.31190/2017 in W.P.2909/2017
by KRCBJ)

... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent pertaining to the declaration of results dated 21.12.2016 in respect of the K.S.K.Retail Outlet Dealership at Kokkarayanpettai, Namakkal District and quash the same and to direct the respondents 1 and 2 to consider the petitioner's application dated 20.11.2014 on merits after providing the petitioner an opportunity to furnish

the documents required as per the letter dated 26.07.2016 which was not received by the petitioner.

For Petitioner: Mr.P.Chandrasekar

For Respondents: Mr.M.Ravindran,
Senior counsel
for Mr.V.Anantha Natarajan for R1 and
R2
Mr.L.Chandrakumar
for Mr.S.Kaithamalaikumaran for R3
Mr.P.Senthilvel,
Government Advocate for R4 and R5

O R D E R

The present writ petition is filed with the following relief:

To issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent pertaining to the declaration of results dated 21.12.2016 in respect of the K.S.K.Retail Outlet Dealership at Kokkarayanpettai, Namakkal District and quash the same and to direct the respondents 1 and 2 to consider the petitioner's application dated 20.11.2014 on merits after providing the petitioner an opportunity to furnish the documents required as per the letter dated 26.07.2016 which was not received by the petitioner.

2. Heard Mr.P.Chandrasekar, learned counsel appearing for the petitioner, Mr.M.Ravindran, learned senior counsel appearing for the Indian Oil Corporation/respondents 1 and 2, Mr.L.Chandrakumar, learned counsel appearing for the 3rd respondent and Mr.P.Senthilvel, learned Government Advocate appearing for the 4th and 5th respondents.

3. It appears that the petitioner herein is aggrieved against the allotment of dealership in favour of the 3rd respondent by the 1st respondent Corporation in respect of the subject matter site. It is seen that the petitioner has earlier approached this Court and filed a Writ Petition in W.P.No.43500/2016 seeking for a Mandamus directing the Indian Oil Corporation to pass orders on his application dated 20.11.2014 for granting retail outlet dealership in respect of the subject matter site.

4. This Court, after noting that already an order was passed on 19.11.2016 rejecting the petitioner's application,

dismissed the said writ petition, however, by granting liberty to the petitioner to challenge the said order dated 19.11.2016. Though such an order was passed, the petitioner herein has not chosen to challenge the said order of rejection, however, has chosen to file the present writ petition, only with the above relief, which in effect is seeking to set aside the result published by the Indian Oil Corporation which is nothing but selecting the 3rd respondent for dealership.

5. When already a separate order is passed rejecting the petitioner's application by setting out certain reasons and circumstances and when this Court has specifically observed that the petitioner has to challenge the said order by granting liberty in the earlier writ petition, this Court is of the view that the present writ petition as such, filed with the above relief, cannot be entertained, unless the petitioner chooses to challenge the said order dated 19.11.2016 as well.

6. Learned counsel for the petitioner submits that till this date a copy of the order dated 19.11.2016 is not furnished to the petitioner.

7. The Indian Oil Corporation is directed to furnish a copy of the said order to the petitioner within a period of one week from the date of receipt of a copy of this order. On receipt of such copy of the order, it is open to the petitioner to file a separate writ petition or any other proceedings in the manner known to law as well as challenging the appointment of the 3rd respondent. Granting such liberty, this writ petition is disposed of without expressing any view on the contentions raised by both the parties. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS VII)

//True copy//

Sub Assistant Registrar

vsi

To

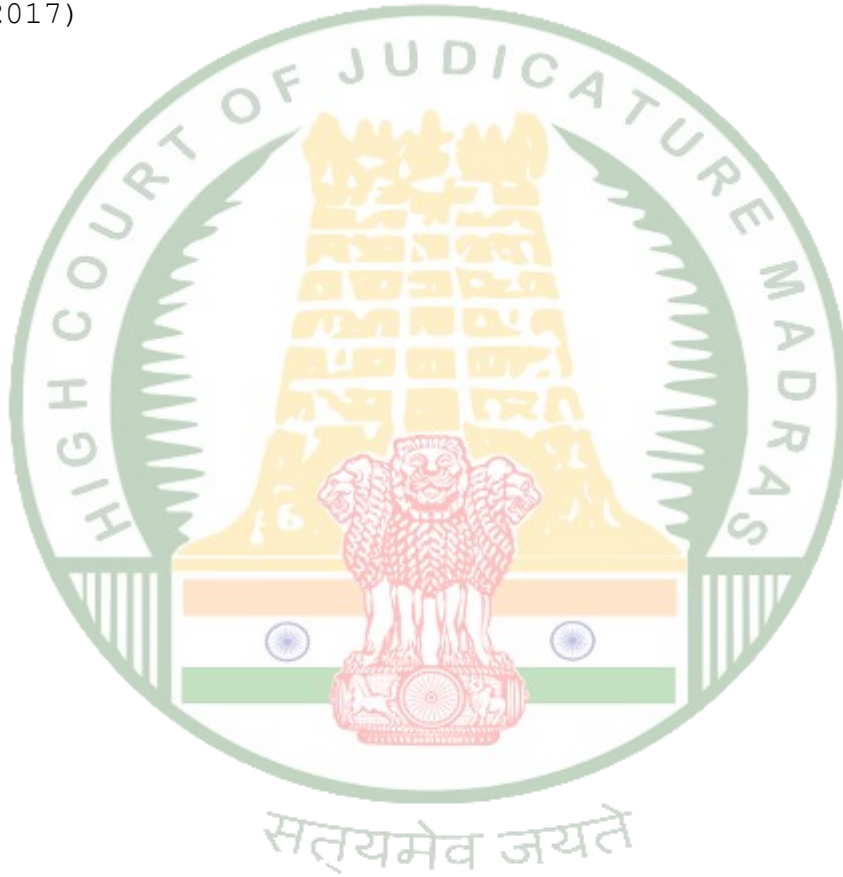
1. The District Revenue Officer,
Namakkal, Namakkal District.

2. The Superintendent of Police,
Namakkal, Namakkal District.

+1cc to Mr.V.Anantha Natarajan, Advocate SR.No.85588
+1cc to Mr.A.K.Kumarasamy, Advocate SR.No.85484
+1cc to Mr.P.Chandrasekar, Advocate SR.No.86029
+1cc to Government Pleader SR.No.86396

W.P. No.2909 of 2017

SJ(CO)
GN(11/12/2017)



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