

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2017

CORAM

THE HONOURABLE MR. JUSTICE M.DURAI SWAMY

W.P.No. 38245 of 2016 &
W.M.P.Nos.32793 of 2016 and 2927 of 2017

Shri Mohamed Abubakkar. D

... Petitioner

Vs.

1. The Indian Oil Corporation,
Rep. by the Senior Area Manager,
500, Anna Salai, Madras 18.

2. The Indian Oil Corporation
Rep. by the Regional Manager,
Madras.

3. Sri. G.Senthilkumaran

... Respondents

(R3 impleaded as per order dated 16.02.2017 in W.M.P.No.38639 of 2016 in W.P.No.38245 of 2016)

Writ Petition filed under Article 226 of the Constitution of India, for the issue of a writ of certiorarified mandamus to call for the records on the file of 1st respondent in Ref.No.CHAO/KPTB/009 dated 22.10.2016 and quash the same as illegal, incompetent, irregular and unconstitutional and further direct the respondent to accept the land offered as alternate land at S.No.12, No.101 Salamangalam Village, Sriperambadur, Kanchipuram District.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.S.Mohammed Fiyaz Ali (R1 & R2)
Mr.V.Narasimhan for R3

O R D E R

The petitioner has filed the above writ petition to issue a writ of certiorarified mandamus to call for the records on the file of the 1st respondent dated 22.10.2016 and to quash the same and further direct the respondent to accept the land offered as alternate land at S.No.12, No.101 Salamangalam Village, Sriperambadur, Kanchipuram District.

2.It is the case of the petitioner that the 1st respondent had invited application for LPG distributorship for Tambaram and he made an offer to the invitation on 22.10.2013. Along with the application, he had also submitted the requisite criterion and entered into a Lease Agreement with the owner of the property, within the area required by the respondent. Since the application was found to be in order, the petitioner was called upon to attend an interview. On 15.07.2016, a draw was held and the petitioner was found to be one of the successful candidates. The petitioner has also stated that he had entered into an Agreement with one Elumalai and the said Elumalai had kept the premises vacant for some time and when he found that it was not occupied for a considerable duration of time, had recalled the lease. Subsequently, the petitioner met the respondent and informed him as to the factual events that took place between the date of application and the date of grant and requested the respondent to allow him to show an alternate place. The respondent had called upon the petitioner to deposit a sum of Rs.50,000/- as per Clause 11 h of the Advertisement and informed him that field verification will be undertaken only after such deposit. At this juncture, the Agreement, the petitioner had entered into with Elumalai, had lapsed and hence, he requested the respondent for identifying an alternate place. The petitioner gave the particulars of the alternate place. However, the respondent, by order dated 22.10.2016, informed that the land for showroom, shown as per the application, was already occupied by a BPCL distributor at the time of field verification of the credentials and therefore rejected the candidature of the petitioner. Challenging the said order, the petitioner has filed the above writ petition.

3.On 17.04.2017, the learned standing counsel appearing for the respondents 1 and 2 sought for adjournment, enabling the respondents 1 and 2 to consider the documents and also for conducting field verification to submit a report. In view of the submission made by the learned standing counsel, the matter was adjourned on 17.04.2017.

4.When the matter is taken up for hearing today, the learned counsel appearing for the respondents 1 and 2 submitted that the respondents 1 and 2 are agreeing for the proposal made by the petitioner and therefore the impugned order passed by the 1st respondent dated 22.10.2016 can be set aside.

5.In view of the submissions made by the learned counsel on either side, since the respondents 1 and 2 are agreeing for the proposal made by the petitioner, the impugned order dated 22.10.2016 passed by the 1st respondent is set aside and the respondents are directed to accept the land offered as alternate

land in S.No.12, No.101 Salamangalam Village, Sriperambadur, Kanchipuram District.

6.With these observations, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

va/cgi

To

1. The Senior Area Manager,
The Indian Oil Corporation,
500, Anna Salai, Madras 18.
2. The Regional Manager,
The Indian Oil Corporation
Madras.

+1cc to M/S.S.Mohammed Fiyaz Ali, Advocate Sr. 47737
+1cc to M/S.V.Raghavachari, Advocate Sr. 47764

W.P.No.38245 of 2016 and
W.M.P.Nos.32793 of 2016 and 2927 of 2017

AR (IV)
VR(20/07/2017)

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