

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	09/03/2018
Delivered on	19/03/2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM
W.P.No.12875 of 2007 &
M.P.No.2 of 2014

V.Jothi Venkatesh

.. Petitioner

Vs.

1.The Divisional Manager,
IBP Company Limited,
Ranka Chambers,
II Floor, No.32, Cunningham Road,
Bangalore - 560-052.
(R-1 deleted as per order dated 11.02.2011
in M.P.No.1 of 2010 in W.P.No.12875 of 2007)

2.The Senior Manager,
Indian Oil Corporation,
102, Avinashi Road,
Coimbatore.

(This respondent represents IBP Company Limited
since it is merged with the IOC as per
order dated 11.02.2011 in M.P.No.1 of 2010 in
W.P.No.12875 of 2007)

3.Mr.K.Palanisamy (deceased)

4.P.Kannammal

5.Deepa

6.P.Karthikeyan

(Respondents 4 to 6 are substituted
as LRS of deceased R2 K.Palanisamy as
per order dated 23.02.2018 in
M.P.No.2 of 2014 in W.P.No.12875 of 2007)

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of a Writ of
Declaration, declaring the entire selection process adopted by
the respondents 1 and 2 pursuant to the advertisement dated
07.10.2002 issued by the Indian Oil Corporation / the second
respondent published in "Daily Thanthi" Tamil Newspaper for land
for establishing petroleum outlet leading to selection of the
land of the Third respondent in S.No.103/2A, Minnampalli Village,
Tiruchengode Taluk, Namakkal District, as null and void and

consequently, direct the respondents 1 and 2 to consider the selection of the petitioner's land in S.No.62/2, Kumaran Nagar, Koopampatti, Ponkuruchi Village, Rasipuram Talluk, Namakkal District, for establishing Petroleum Retail Outlet and appoint him as a Dealer under Scheduled Caste Community quota.

For Petitioner : MR.N.SRINIVASAN

For Respondents : MR.R.RAVI

O R D E R

Heard Mr.N.Srinivasan, learned counsel for the petitioner and Mr.R.Ravi, learned counsel for the second respondent and perused the records.

2. This Writ Petition has been filed for issuance of Writ of Declaration declaring that the entire selection process adopted by the respondents 1 and 2 pursuant to the advertisement dated 07.10.2002 issued by the Indian Oil Corporation as null and void and for consequential direction to them to consider the selection of the petitioner's land.

3. According to the petitioner, he is a physically challenged and also unemployed graduate belonging to Scheduled Caste Community. The second respondent issued a paper publication on 07.10.2002 in Daily Thanthi inviting applications for awarding retail outlet for petroleum products. The retail outlet was reserved for the people belonging to Scheduled Caste and when the petitioner was fully eligible, it was allotted to the second respondent, who belongs to Backward Community.

4. The learned counsel for the petitioner vehemently contended that the petitioner owns non-agricultural land measuring 55 cents at Kumaran Nagar, Koppampatti Village in Namakkal District abutting Highways, which is most suitable for establishing a petroleum outlet, but the Official respondents, instead of selecting the petitioner has awarded license to the second respondent. The learned counsel for the petitioner has relied on the decision reported in (2017) 8 MLJ 20.

5. The learned counsel for the second respondent contended that the second respondent issued a notification dated 23.07.2000 inviting application for awarding a petroleum dealership license at Rasipuram in Namakkal District under the category of physically challenged. The petitioner seems to have applied pursuant to the advertisement dated 23.07.2000. It is further

submitted that the subsequent advertisement dated 07.10.2002 was issued for inviting applications, who were willing to give their lands on long term lease to the Indian Oil Corporation. Similar advertisement was issued by the IBP Petroleum Company calling for applications for long term lease of land for different locations. However, the petitioner without challenging the selection made pursuant to the advertisement dated 23.07.2000 is questioning the selection process made as per the advertisement dated 07.10.2002.

6. According to the learned counsel for the second respondent, no such advertisement was given by the second respondent on 07.10.2002 for awarding license to run a petroleum outlet as contended by the petitioner.

7. From the perusal of the papers annexed to the typed set, it is evident that the respondent-Indian Oil Corporation had issued an advertisement dated 07.10.2002 calling for applications for taking long term lease of land and no materials have been produced by the petitioner about the fate of the advertisement dated 23.07.2000. It is further seen that the petitioner had filed Writ Petitions and Criminal Original Petitions levelling allegations against the officials of IBP Company Limited and the Indian Oil Company Limited and they have been dismissed.

8. In W.P.No.22324 of 2005, this Court while dismissing the Writ Petition holding that the first respondent in that Writ Petition-Central Bureau of Investigation had already conducted enquiry and came to the conclusion that there was no irregularity in the allotment of retail outlet in favour of the second respondent, however permitted the petitioner to challenge the selection in the manner known to law.

9. In the judgment relied on by the learned counsel for the petitioner, this Court has held that the selection for distributorship shall be made as per the conditions in the advertisement. There is no quarrel with regard to the proposition laid down in the decision, but it has no application to the case on hand.

10. In the instant case, the petitioner except alleging that the notification dated 07.10.2002 was issued for awarding license to run a petroleum outlet, has not produced any material in support of his case. As rightly contended by the learned counsel for the second respondent, it came to be issued for taking lease of land for establishing a petrol bunk.

11. This Writ Petition has been filed on misconception of facts. So, the petitioner is not entitled for the relief sought for in the Writ Petition. The Writ Petition fails and the same is dismissed. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

r n s

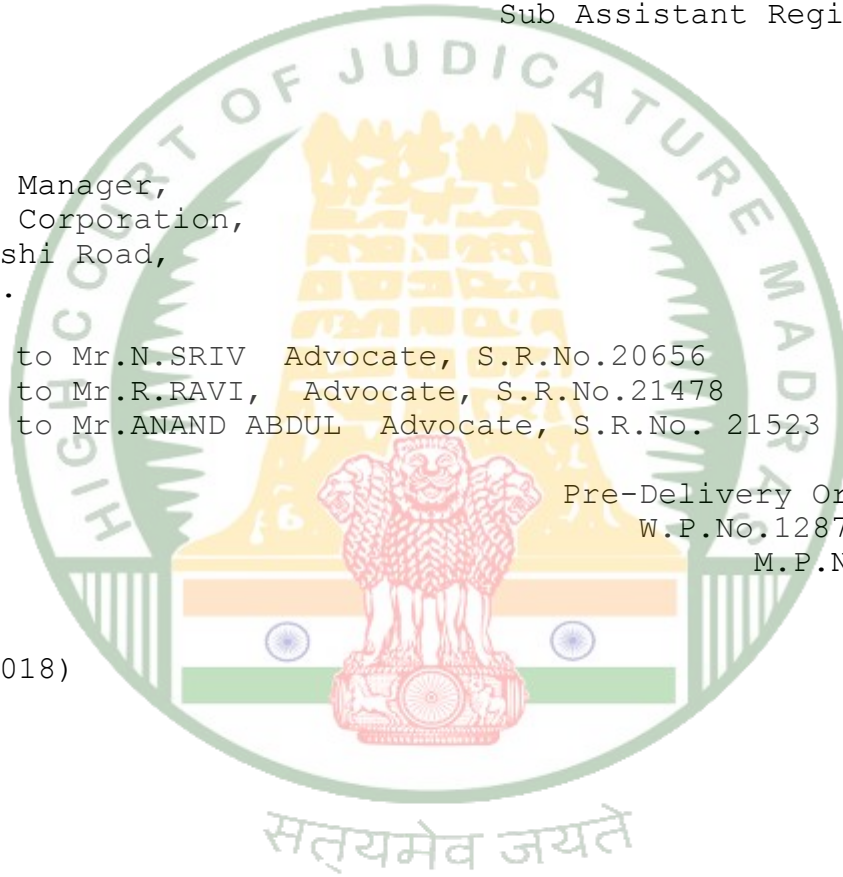
To

The Senior Manager,
Indian Oil Corporation,
102, Avinashi Road,
Coimbatore.

+1cc to Mr.N.SRIV Advocate, S.R.No.20656
+1cc to Mr.R.RAVI, Advocate, S.R.No.21478
+1cc to Mr.ANAND ABDUL Advocate, S.R.No. 21523

Pre-Delivery Order made in
W.P.No.12875 of 2007 &
M.P.No.2 of 2014

GJ(CO)
TR(18/04/2018)



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