

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.12.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.33746 of 2018
and
W.M.P. No.39176 of 2018

D. Senthilkumar ... Petitioner

Vs.

1. Chief General Manager
M/s. Indian Oil Corporation Ltd.
House of Four Frames
No.6/13, Wheatcrofts Road
Nungambakkam
Chennai- 34.
 2. The Manager
Indian Oil Corporation Limited
(Marketing Division)
Salem Divisional Office
No.234, 1st floor, NH-7
Salem - Bangalore Bypass Road
Kondalampatti
Salem - 636 010.
- ... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the advertisement dated 25.11.2018 issued by 2nd respondent for appointment of Regular/ Rural Retail Outlet (Petrol Pump) Dealership and quash the same and pass such further orders.

For Petitioner : Mr.S. Subbiah, Sr. counsel
for M/s. M. Malar

For Respondents : Mr.M. S. Krishnan, Sr. Counsel
for Mr.Md.Fayaz Ali

O R D E R

The petitioner has come up with this writ petition seeking to quash the advertisement dated 25.11.2018 issued by 2nd respondent for appointment of Regular/ Rural Retail Outlet (Petrol Pump) Dealership.

2. The 2nd respondent has invited application on 16.10.2014 by way of advertisement for KSK RO Dealership at Andiyur Village and Post, Uthangarai Taluk, Krishnagiri District. The petitioner has made his application for the said dealership. Later, the 2nd respondent has informed that the Land Evaluation Committee would inspect the site. He was also informed that he was qualified for the draw of lot for selection of KSK RO Dealership. The 2nd respondent has issued a letter of Intent to the petitioner and proposed to offer Kisan Seva Kendra Dealership. At this stage, when the petitioner applied for NOC from the Revenue authorities, the same was not issued by the authorities. Due to the rejection of NOC by the Revenue Authorities, the petitioner was not able to get the dealership under the KSK RO Dealership.

3. The learned Senior Counsel appearing for the respondents pointed out that setting up new KSK RO Dealership at Andiyur Village is not possible as per the advertisement dated 16.10.2014, as it is only for places located in village area but the place selected for setting up KSK RO Dealership at Andiyur Village comes under State Highways SH-18A.

4. After hearing both the counsel for a while, it is submitted by the learned counsel for the respondents that the last date for making the application is 24.12.2018. It is open to the petitioner to apply either under KSK Scheme or the regular scheme. The only requisition for the KSK RO Dealership is that the land should situate within the village area. If the petitioner is insisting only on the Andiyur Village, it is already advertised under State Highways SH-18A. Based on the suggestion given by the learned counsel for the respondents, it is open to the petitioner to apply within time for vital categories, fulfilling the norms and conditions prescribed therein.

5. Hence, the prayer sought for by the petitioner, either calling for advertisement dated 25.11.2018 in entirety for quashing the same or even limiting his prayer to Sl.No.1362 Andiyur on SH-18A is not maintainable. As stated earlier, it is open to the petitioner to apply to both the places or both the categories, by complying with the norms and conditions, within the time prescribed.

6. Accordingly, this writ petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. No order as to costs.

Sd/-/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

avr

To

1. Chief General Manager
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+1cc to Mr. M.Malar, Advocate SR.No. 89770

+1cc to Mr.Mr.Md.Fayaz Ali , Advocate SR.No. 89736

W.P.No.33746 of 2018
and

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A.SK (31/01/2019)

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