

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.06.2019

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.11367 of 2012

M.Ganesan

..Petitioner

vs

1. The Chairman and Managing Director,
Hindustan Petroleum Corporation Ltd.,
Regd. Office No.17, Jamshedji Tata Road,
Mumbai 400 020.
2. The Regional Manager,
Hindustan Petroleum Corporation Ltd.,
H.P.House, No.18/3, Big Bazar Street,
Town Hall, Coimbatore 641 001.
3. The General Manager,
Hindustan Petroleum Corporation Ltd.,
South Zone, Thalamuthu Natarajar Building, 4th Floor,
Gandhi Irwin Road, Egmore,
Chennai 600 008.
4. Mr.S.G.Rukrudeen ..Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India seeking for a Writ of Certiorarified Mandamus calling for the records and quash the orders dated 24.06.2011 passed by the 2nd respondent in disposing the complaint of the petitioner and consequent issue of Letter of Intent dated 09.11.2011 vide Rec: CB RO/NS/RET in respect of award of retail outlet Dealership to the 4th respondent to the location at Sl.No.52, Royakottai - Eachanahalli and directing the respondents 1 to 3 to award the retail outlet Dealership to the petitioner.

For Petitioner : Mr.D.Baskar

For Respondents : Mr.O.R.Santhanakrishnan, for RR1 to 3
Mr.Abdul Razhaq Associates, R4

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

2. This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to quash the order of the second respondent dated 24.06.2011 and the Letter of Intent issued in favour of the fourth respondent dated 09.11.2011.

3. It is the case of the petitioner that the third respondent herein published an advertisement on 20.06.2010 calling for applications for retail outlet petrol pump SKO-LDO Dealership in Tamil Nadu and Pondicherry at the location Royakottah to Eachanahalli in Krishnagiri District. The said outlet was earmarked under open category.

4. It is not in dispute that the petitioner and the fourth respondent applied for issuance of dealership and in the interview conducted by the Selection Committee, both participated. The petitioner was awarded with total marks of 81.38 out of 100 marks and the fourth respondent awarded 83.83 out of 100 marks.

5. The grievance of the petitioner is that though he had been awarded prescribed marks under other categories, he was awarded zero marks under the head "fixed / movable assets" instead of four marks.

6. In the counter affidavit filed by the respondents 1 to 3, it has been stated that the petitioner did not submit valuation report for the assets and hence, he was not allotted marks on that head. It is further stated that the order passed in W.P.No.27101 of 2010 has reached finality, as the petitioner did not prefer any appeal against the order and hence finding would operate as res-judicata for the present Writ Petition.

7. It is seen that the petitioner had already filed W.P.No.27101 of 2010 for issuance of mandamus to direct the respondents 1 to 3 to disqualify the selection of the fourth respondent for allotment of the retail outlet dealership in respect of the location at Serial No.52 Royakottah to Eachanahalli. This Court in the above Writ Petition has held that the judicial review is permitted only on establishing the grounds of mala-fide, arbitrariness or unreasonableness and by following the order, passed in WP (MD) No.14683 of 2010, this Court dismissed the said Writ Petition by observing that the decision arrived at by the Committee cannot be interfered and there cannot be re-appreciation or re-

appraisal of the selection process by this Court without any allegation of mala-fide.

8. This Court in W.P.No.27101 of 2010 further observed that the Selection Committee consists of retired Judge of this Court and the petitioner has not made out a case to entertain the Writ Petition. The petitioner in this Writ Petition also raises similar grounds as in the earlier Writ Petition. A proper reply has been given for not awarding marks under the head Fixed / Movable assets. It is pointed out that Letter of Intent was issued in favour of the fourth respondent on 09.11.2011. In pursuance there to, he commenced business on 29.06.2012.

9. In the light of the above facts, I find no valid reason to set aside the order impugned in this Writ Petition. In that view, the Writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The Chairman and Managing Director,
Hindustan Petroleum Corporation Ltd.,
Regd. Office No.17, Jamshedji Tata Road,
Mumbai 400 020.
2. The Regional Manager,
Hindustan Petroleum Corporation Ltd.,
H.P.House, No.18/3, Big Bazar Street,
Town Hall, Coimbatore 641 001.
3. The General Manager,
Hindustan Petroleum Corporation Ltd.,
South Zone, Thalamuthu Natarajar Building, 4th Floor,
Gandhi Irwin Road, Egmore,
Chennai 600 008.

+1cc to Mr.Razhaq Associates, Advocate, S.R.No. 46376
+1cc to Mr.R.Thamarai Selvan, Advocate, S.R.No. 45667
+1cc to Mr.O.R.Santhana Krishnan, Advocate, S.R.No. 46063

W.P.No.11367 of 2012

RGN(CO)
GN(25/07/2019)