

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 26372 of 2016

ORDER:

Petitioner asserts that pursuant to the advertisement issued for appointment of Regular/Retail Outlet dealership on 08.07.2014 and 09.07.2014, she submitted an application proposing to establish a retail outlet over a site of 30 meters frontage and 30 meters depth situated at Kukkanoorpally Village, Kondapaka Mandal, Medak District, Telangana. However, she came to know that her case is not considered on the ground that the site offered by her is not in conformity with the required dimensions of 35 meters frontage and 45 meters depth. She also asserts that she had no notice of the change of specifications with respect to offer land and her application is in conformity with the initial advertisement. In the circumstances, she prayed for a writ of Mandamus declaring the action of the third respondent – Bharat Petroleum Corporation Limited, rep. by its Territory Manager (Retail), Hyderabad, in issuing letter dated 18.07.2016 as illegal and arbitrary.

On 05.08.2016, while issuing notice before admission, this Court directed the respondents to consider the application of the petitioner for drawal of lots regarding selection of retail outlet

dealership at Kukkanoorpally Village, Kondapaka Mandal, Medak District.

In the counter-affidavit filed by the respondents, it is specifically asserted that a Corrigendum came to be issued after the initial notification specifically stating that the site shall be 35 meters and 45 meters depth and that the petitioner appeared to have noticed the same and at any rate, she has not come forward to offer the site with required dimensions, as such, she is ineligible to be considered for selection.

Learned counsel for the petitioner had placed reliance on the judgment of the Division Bench of this Court in **Indian Oil Corporation Limited and another v. Gummi Prudvi Raja Reddy and others**¹.

From a perusal of the aforesaid judgment, it is evident that it is not with respect to ineligibility and not satisfying the pre-requisite, as such, it has no application to the facts of the present case.

Inasmuch as there is no dispute that the Corrigendum came to be issued modifying the criteria for participation in the drawal and that the petitioner had not offered the site with required

¹ 2019(5) ALD 560 (TS) (DB)

dimensions, elimination of the petitioner cannot be found fault with. If the name of the petitioner is also included in the drawal, that would be in violation of the notified conditions. At this stage, the petitioner's counsel had submitted that the petitioner is ready to make available the land of required dimensions. If she becomes successful, the same cannot be accepted, as, possession of site with required dimensions is a pre-condition for participation in the drawal. The same is an entry barrier.

In those circumstances, there is no merit in the Writ Petition.

Accordingly, this Writ Petition is dismissed.

Miscellaneous Petitions, if any pending, shall stand dismissed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

2nd DECEMBER, 2019.

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