

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2020

CORAM

THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

W.P. No. 637 of 2020
and
W.M.P. Nos. 751 & 752 of 2019

Thamilarasi

... Petitioner

-vs-

M/s. Hindustan Petroleum Corporation Ltd.,
Rep. By its Chief Regional Manager,
Salem Retail Regional Office,
No.395/2, First Main Road,
New Fairlands,
Salem - 636 016.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order dated 07.01.2020 vide in Ref: SRO/NW/RET passed by the respondent herein and quash the same, consequently direct the respondent to issue letter of intent in the name of the petitioner viz., Thamilarasi for the Petroleum Retail Outlet Dealership of Tharamangalam to Pothanurm Salem District as per the Selection made on 11.01.2019 by accepting the land offered by the petitioner in S.No.16/2A3, Kurukkupatti Village, Omalur Taluk, Salem District.

For Petitioner : Mr.R.Jothimanian

For Respondent : Mr.Vijayan

For M/s. King & Partridge

ORDER

The petitioner has filed the present writ petition in the nature of writ of certiorarified mandamus, calling for the records of the impugned order dated 07.01.2020 in reference No RF/SRO/NW/RREF, passed by the respondent namely the Chief Regional Manager, Hindustan Petroleum Corporation Limited, Salem Retail Regional Office, Salem and to set aside the same and consequently, direct the said respondent to issue Letter of Intend in the name of the petitioner viz., Tamilarasi, wife of

Rengasamy, for Petrol Retail Outlet Dealership in Tharamangalam to Pothanur, Salem District, as per the selection made on 11.01.2019, by accepting the land offered by the petitioner in Survey No.16/2A3, Kurukupatti Village, Omalur Taluk, Salem District.

2. The respondent had issued Notification, inviting application for Petrol Retail Outlet Dealership in December 2017 for Tharamangalam to Pothanur in Salem District, under Other Backward Community category people. The petitioner being eligible for applying of such dealership, claims that she had satisfied eligibility in the criteria and had also uploaded requisite documents along with her application. On scrutiny of the application, the respondent also found her to be eligible. Therefore, they invited the applicant to participate in the draw of lots which was scheduled on 11.01.2019. The petitioner was successful in the draw of lots. She was also informed of that fact by the respondent by letter dated 11.01.2019. She was directed to deposit a sum of Rs.40,000/- [Rupees Forty Thousand Only] towards Field Verification Credentials (FVC). She deposited the said amount. Field Verification was also conducted by the Field Verification Committee and the petitioner also produced the relevant documents relating to the land in which the Petrol Retail Outlet is to be located. To the extent the records are available it is seen that the said Committee had approved the location offered by the petitioner for the petrol bunk between Tharamangalam and Pothanur.

3. Thereafter, it is claimed that the petitioner, the petitioner had invested heavily for the construction of the petrol bunk and she claimed that she had complied with all the conditions. This land was in survey No.16/A3 and is situated in Kurukupatti Village in Omalur Taluk. A Rough Sketch has been produced before this Court and the layout of the land is obviously between Tharamangalam - Pothanur. The petitioner was awaiting the letter of Dealership. In the meanwhile, various complaints have been received by the respondents, stating that the land offered by the petitioner was not within the advertised area. The respondent, therefore, had appointed an Investigating Officer to examine the said fact. The Report of the Investigating Officer would reveal that the land offered by the petitioner was indeed between Tharamangalam - Pothanur but was located in the Tharamangalam - Pothanur Service Line and not in Tharamangalam - Pothanur Main Road. The advertised area has mentioned only Tharamangalam - Pothanur. It has not been specified whether the said area should be in the main road or in the service road. The primary condition is that it should be between Tharamangalam and Pothanur. The land offered by the

petitioner is actually between Tharamangalam and Pothanur. The Survey Number is given as 16/2A3. It is in Kurukkupatti Village. The said Village is in Omalur Taluk between Tharamangalam and Pothanur.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent also.

5. It is seen that the petitioner had filed an earlier writ petition in W.P.No.33366 of 2019, seeking a writ of mandamus, to pass orders and directing the respondent to give a letter of Dealership. A mandamus was issued to the respondent to make enquiries. By the impugned order, rejected the claim of the petitioner was rejected. The only reason given in the order now impugned, is that the land offered by the petitioner was in Tharamangalam Service Road and not on Tharamangalam to Pothanur stretch. In the advertisement, it has been stated that the advertised location should be between Tharamangalam and Pothanur. There is no mention that it should be on the High Way or on the Service Road or in "stretch". The meaning of the word "stretch" is also not made known. At any rate, as a fact, the petitioner's land is between Tharamangalam and Pothanur.

6. In view of the above facts and in view of the fact that this is the only reason for rejection of the offer made by the petitioner, I hold that, the rejection of the petitioner does not stand the scrutiny of this court. Accordingly, the writ petition stands allowed and the impugned order passed by the respondent is set aside. Consequently, a direction is issued to the respondent to accept the land in survey No.16/2A3, Kurukkupatti Village now offered by the petitioner for establishment of Petrol Retail Outlet Dealership for the petitioner. It is made clear that the respondent should complete the formalities on or before 10.03.2020. No costs. Consequently, connected miscellaneous petition is also closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

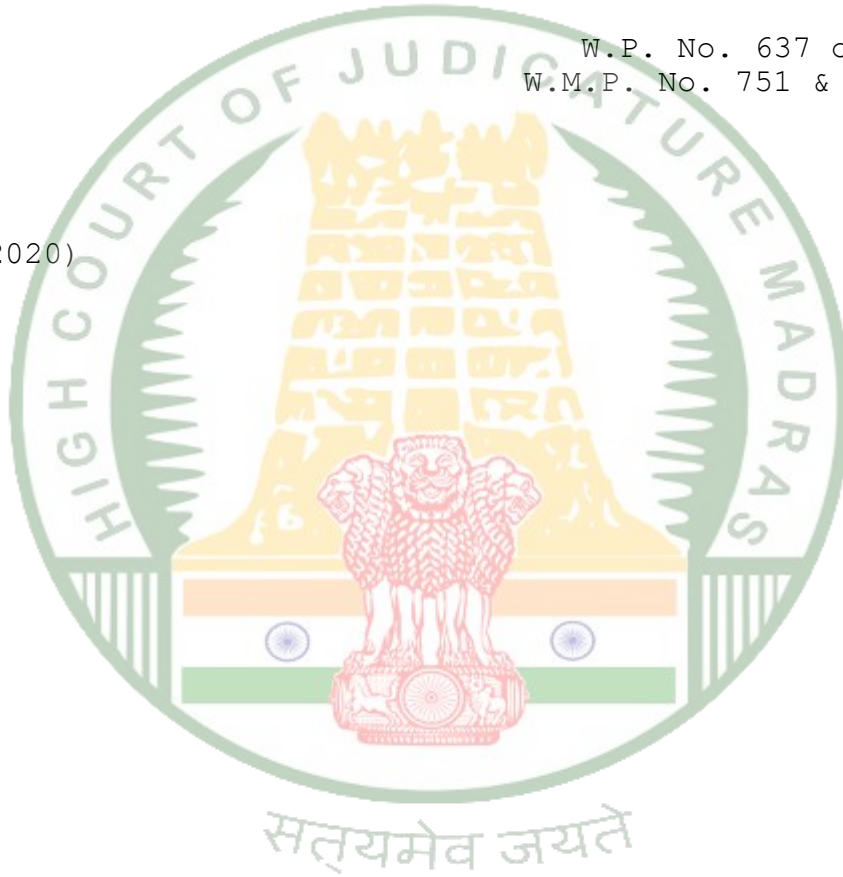
Chief Regional Manager,
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Salem - 636 016.

+1 CC to Mr.M.R. Jothimanian, Advocate sr 14729.

+1 Cc to M/s. King and Partridge, sr 14529.

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LN(CO)
SP(19/03/2020)



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