

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2021

C O R A M

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.3341 OF 2021

AND

W.M.P.NOS.3806 AND 3810 OF 2021

V.P.Jeesha

... Petitioner

Vs.

1. The Territory Manager (Retail),
Bharat Petroleum Corporation Limited,
No.35, Vaidyanatha Mudali Street,
Tondiarpet, Chennai - 600 081.
2. State Head (Retail), Tamilnadu & Pondicherry
BPCL Southern Regional Office,
1, Ranganathan Garden,
Off : 11th Main Road,
Anna Nagar, Chennai - 600 040.
3. National Commission for Scheduled Castes,
5th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi - 110 003.
4. National Commission for Schedule Castes,
No.26, II floor, Haddows Road,
Shastri Bhavan, Chennai - 600 006.

5. G.Sashi Kumar

6. K.Saravanan

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the 1st and 2nd respondents from in anyway granting dealership to the 5th and 6th respondents, consequent to the draw of lots held at Hotel Ambassador Pallava, Egmore on 04.11.2018 in respect of the location-Padalam Junction to Vaiyavoor Village, Kancheepuram District, Tamil Nadu (Chennai Territory).

For Petitioner : Mr.Sai Kumar
for Mr.P.Selvan Amunas

For Respondent : Mr.M.Vijayan for
M/s.King & Patridge for R1 and R2
Ms.A.Anuradha for R3 & R4

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondents 1 and 2 to forbear the respondents 1 and 2 from in anyway granting dealership to the 5th and 6th respondents, consequent to the draw of lots held at Hotel Ambassador Pallava, Egmore on 04.11.2018 in respect of the location-Padalam Junction to Vaiyavoor Village, Kancheepuram District, Tamil Nadu (Chennai Territory).

2. The only contention raised by the petitioner is that the respondents 1 and 2 are attempting to grant dealership to the 6th respondent, who is a benami of the 5th respondent. According to the petitioner, the 5th respondent belongs to Chettiyar community and the 6th respondent belongs to Scheduled Caste community. According to the petitioner, the retail outlet under the Corpus Fund Scheme of the respondent-Oil Corporation is granted only to candidates belonging to Schedule Caste community. It is the contention of the petitioner that the 6th respondent is the benami for the 5th respondent. The petitioner has given a representation on 07.11.2019 to the first respondent requesting them not to grant dealership to the 6th respondent in respect of the location-Padalam Junction to Vaiyavoor Village, Kancheepuram District, Tamil Nadu (Chennai Territory), since the 6th respondent is a benami for the 5th respondent, who does not belong to Scheduled Caste community and belongs to Chettiyar community. The said representation has not been considered till date. In such circumstances, this Writ Petition has been filed.

3. Heard Mr.Sai Kumar for Mr.P.Selvan Amunas, learned counsel for the petitioner, Mr.M.Vijayan for M/s.King and Patridge, learned counsel appearing on behalf of the respondents-1 and 2 and Ms.A.Anuradha, learned counsel appearing on behalf of the respondents 3 and 4.

4. The learned counsel for the respondents 1 and 2, on instructions, would submit that the respondents 1 and 2 are willing to consider the petitioner's representation on merits and in accordance with law and till final orders are passed, the respondents 1 and 2 shall give an undertaking to this Court that they shall not grant dealership to the 6th respondent as per the draw of lots held at Hotel Ambassador Pallava, Egmore on

04.11.2018. The learned counsel for the petitioner agrees to the said submission. But, however seeks liberty to this Court for the petitioner to place all records/documents and objections with regard to the grant of dealership to the 6th respondent. This Court is of the considered view that the request made by the learned counsel for the petitioner is reasonable and can be granted.

6. After recording the submissions made by the respective learned counsels, this Court directs the first respondent to consider the petitioner's representation dated 07.11.2019 requesting the first respondent not to grant dealership to the 6th respondent under the Corpus Fund Scheme of the respondent-Oil Corporation and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner including granting her the right of personal hearing and also permitting her to produce the documents, within a period of 3 months from the date of receipt of a copy of this order. Till final orders are passed by the first respondent, status-quo shall be maintained and dealership cannot be granted to the 6th respondent by the 1st respondent-Oil Corporation.

7. With the aforesaid directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

srn

To

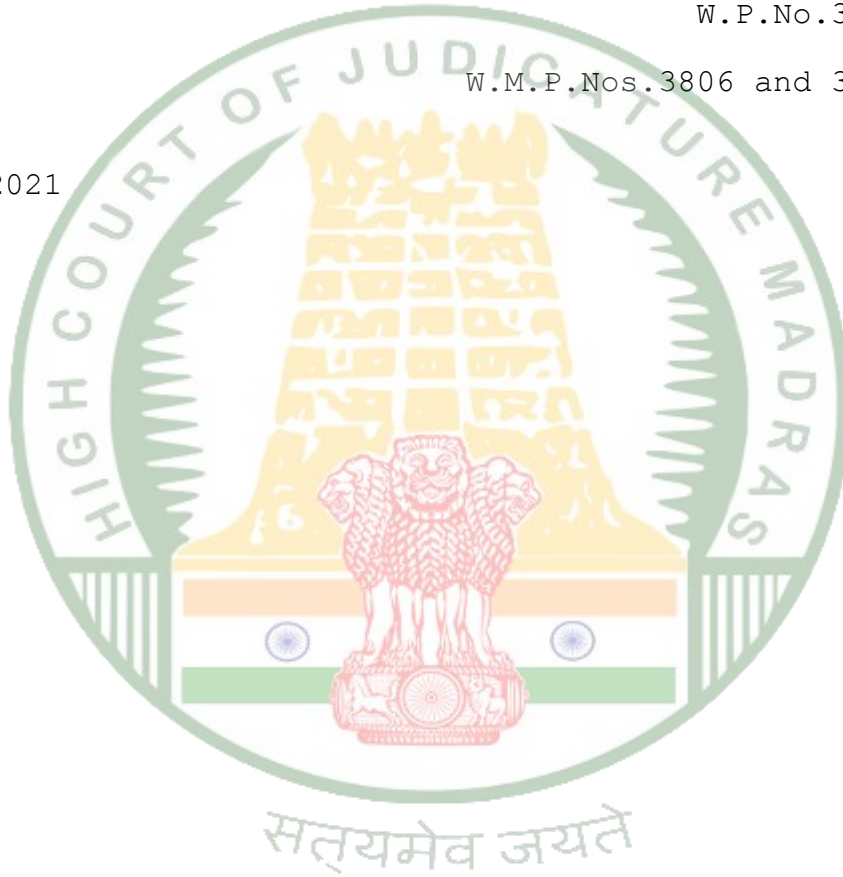
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+1cc to Mr.P.Selvan Amunas, Advocate, S.R.No.13622
+1cc to Ms.A.Anuradha, Advocate, S.R.No.13137
+1cc to M/s.King & Patridge, Advocate, S.R.No.13376

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MG(CO)
CS/09/03/2021



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