



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.15133 of 2020

and

W.M.P. (MD)No.12741 of 2020

K.Rajkumar

... Petitioner

Vs.

The Head of Divisional Office,
Trichy Divisional Office,
Indian Oil Corporation Ltd.,
Triveni, 3rd Floor,
No.B-35, Shastri Road,
Thillai Nagar, Trichy - 620 018.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to issue the Letter Of Intent (LOI) in respect of Serial No.1694 issued in his notification for the retail out (RO) dealership at Keeramangalam State Highway (Pudukkottai to Aranthangi State Highway), Keeramangalam South, Alankudi Taluk, Pudukkottai District based on the Petitioner's representations dated 06.05.2020 and 13.10.2020 within the limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondent : Mr.Muralidharan

ORDER

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondent/Corporation.

2.The respondent/Corporation issued notification inviting applications for appointment of regular/rural retail outlet (petrol pump) dealerships. The petitioner was one of the applicants. In the drawl of lots, the petitioner's application was selected. That was followed by inspection of the land on



04.02.2020. Since a high tension line was crossing the land in question, it was rejected. To this effect, the impugned communication dated 06.03.2020 was also issued. Thereafter, the petitioner submitted an application to the TANGEDCO authorities and spent more than a lakh of rupees and had the high tension line shifted. Now the land in question is free of defects. Therefore, the petitioner wants this Court to direct the respondent/Corporation to allot the retail outlet dealership in his favour.

3.Though the said contention appears to be quite persuasive, I am unable to accept the same. As rightly pointed out by the learned standing counsel, the parameters of consideration have already been set out in the relevant brochure. The land evaluation criteria reads as follows:-

"H. Land Evaluation :

The concerned Divisional /Regional/Territory Office shall inform the selected candidate thru email/SMS at least 10 days before the day of visit by LEC for site evaluation. In case of no response/non-availability of the selected applicant, the candidature shall be cancelled under intimation to the selected candidate through SMS/e-mail. Evaluation of the offered land will be carried out to ascertain land being in advertised area and suitable for development of RO - meeting norms. The parameters under which land will be evaluated by Land Evaluation Committee for suitability are:-

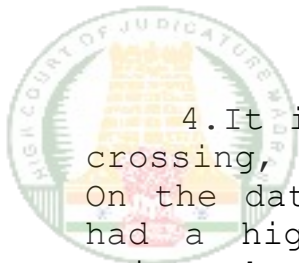
- Land in advertised area / stretch*
- Land dimensions as per requirement*
- Land meets NHAI norms (for sites on NH)*
- Land has no HT line (>11 KVA) crossing.*

Land not meeting any of the above parameters will not be considered and will be rejected.

Note: Offered land should have minimum frontage & area as specified in advertisement. Minimum Depth perpendicular to the frontage at least at one place, should be available as specified in advertisement.

In case the offered land is found to be suitable, the LEC will submit the recommendation to the Divisional/Regional/Territory head for carrying out FVC of the selected candidate.

In case land is not found suitable, the selected candidate will be informed about his ineligibility and selection process will be continued with the balance applicants. However, the candidate would be considered for selection along with Group 3 applicants and intimation will be sent to the candidate."



4.It is seen therefrom that if the land has high tension line crossing, it would be rejected as not meeting with the parameters. On the date when the inspection took place, the land in question had a high tension line crossing. Therefore, it was rightly rejected. But the question is whether the petitioner's case can be reconsidered in view of the removal of the said defect by the shifting of the overhead lines. But then, the respondent/Corporation cannot go beyond the parameters. As the land evaluation criteria would state, once the land is found not suitable, the selected candidate would be informed about his ineligibility and the selection process will be continued with the balance applicants. However, he would be considered for selection along with Group-III applicants. Now that the defect has been set right, the petitioner can only be considered along with Group-III applicants.

5.In this view of the matter, beyond directing the respondent to consider the petitioner for selection along with Group-III applicants, no other relief can be granted. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to Mr.G.THALAI MUTHARASU, Advocate (SR-2524
[F] dated 01/02/2021)

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