



W.P.No.11632 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

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THE HON'BLE **MR.JUSTICE C.SARAVANAN**

W.P.No.11632 of 2018

and

M.P.Nos.13617 & 13618 of 2018

T.Manimala

... Petitioner

Vs.

- 1.The Executive Director,
(Tamilnadu & Pondicherry),
Indian Oil Corporation Ltd,
(Marketing Division), Indian Oil Bhavan,
No.139, Mahatma Gandhi Road,
Nungambakkam High Road,
Chennai – 600 034.
- 2.Indian Oil Corporation Ltd,
(Marketing Division),
Rep by the Chief Divisional Retail Sales Manager,
234, 1st Floor, NHI-7,
Salem – Bangalore Bye-Pass Road,
Kondalampatti, Salem – 636 010.
- 3.Indian Oil Corporation Ltd,
(Marketing Division),
Rep by the Deputy General Manager,
(Retail Sales), 234, 1st Floor, NHI-7,
Salem – Bangalore Bye-Pass Road,
Kondalampatti,
Salem – 636 010.



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4.S.Gopalakrishnan

... Respondents

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Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the letter of selection dated 15.03.2017 issued by the 2nd respondent for the award of K.S.K.Retail Outlet dealership in Pavakkal location, Uthangarai Taluk, Krishnagiri District and the Letter of Intent dated 14.02.2018 issued by the 3rd respondent in his office Ref.N/2017/IN000617/TN/000097/4104/00024 to the 4th respondent to set up the said retail outlet at the said location, quash the same and direct the respondents 1 to 3 to select the petitioner for the award of K.S.K.Retail Outlet dealership in Pavakkal location, Uthangarai Taluk, Krishnagiri District.

For Petitioner : Mr.P.Mani

For Respondents : Mr.Mohammed Fayaz Ali
for R1 to R3
No Appearance
for R4

ORDER

The petitioner has filed this writ petition for a certiorarified mandamus, to call for the records relating to the letter of selection dated 15.03.2017 issued by the 2nd respondent for the award of K.S.K.Retail Outlet



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dealership in Pavakkal location, Uthangarai Taluk, Krishnagiri District and the Letter of Intent dated 14.02.2018 issued by the 3rd respondent in his office Ref.N/2017/IN000617/TN/000097/4104/00024 to the 4th respondent to set up the said retail outlet at the said location, quash the same and direct the respondents 1 to 3 to select the petitioner for the award of K.S.K.Retail Outlet dealership in Pavakkal location, Uthangarai Taluk, Krishnagiri District.

2.The specific case of the petitioner is that a paper Advertisement was issued on 16.10.2014 by the respondent inviting application for “dealership”. It is submitted that the Village, District and the Taluk etc., were specifically given in the Advertisement. It is submitted that the third respondent has however issued a letter of intent dated 14.02.2018 in favour of the fourth respondent, even though the fourth respondent's land is not located in the village specified in Advertisement notification.

3.That apart, it is submitted that the fourth respondent had also sold the land on 24.10.2016 and thereafter the land re-conveyed on 16.03.2017. It is submitted that respondents have issued a letter of intent to the fourth



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respondent, contrary to the Advertisement issued on 16.10.2014. Therefore, it is liable to be interfered with.

4.The learned counsel for the petitioner has also relied upon the decisions of the Rajasthan High Court in the case of **Arun Kumar Nagda Vs. The Indian Oil Corporation Limited and anr** dated 07.04.2017 in S.B.Civil Writ Petition No.14499 of 2015 and the decision of the Kerala High Court in the case of **Lilly.M.D., Manikkanamparambil House, Amballur, Ernakulam Vs. The Indian Oil Corporation Ltd and others** dated 19.09.2011 in WP(C).No.16090 of 2011(I). It is submitted that respondent in the counter has also admitted the location of the site of the fourth respondent/S.Gopalakrishnan selected candidate was also checked during the subsequent verification and it was confirmed by the certificate issued by the Deputy Tahsildar Headquarters, Uthangarai and that the site offered by the fourth respondent is in Pavakkal location. However, it has been wrongly stated that the selection of the fourth respondent meets all the norms and therefore the offered sites meets the requirements for setting up of a Kisan Seva Kendra Retail Outlet as per the Dealership Selection Guidelines and policies of the Corporation.



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5. There is no representation on behalf of the fourth respondent. The official respondents on the other hand represented by its counsel referred to the counter filed by the second respondent and submits that the site offered by the fourth respondent was in accordance with the policy as the land of the fourth respondent was situated within the Kariyaperumalvalasai Village, Pavakkal and therefore the writ petition filed by the petitioner is liable to be dismissed.

6. The learned counsel for the official respondents had also referred to a verification credentials of fourth respondent and submitted that verification of land documents pertains to the offered land was found suitable. In this connection, a reference is made to remarks, wherein, it has been stated that the land offered which was falls in Pavakkal village.

7. I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the first to third respondents and also perused the documents pertaining to the issue of Advertisement dated 16.10.2014 and the letter of intent issued to the fourth respondent on 14.02.2014 by the third respondent.



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8.The advertisement issued by the respondents is very clear. It is village specific and therefore for the purpose of identifying the Village, Division, Revenue District, Block/ward in the District and Vattam. The relevant portion of the advertisement reads as under:-

வ.எண்	ஆமைலிடம்	பிவிவு	வருவாய் மாவட்டம்	தொகுதி	வட்டம்
1.	பாவக்கால்	கிருஷ்ணகிரி	ஊத்தாங்கரை	ஊத்தாங்கரை	48

9.The land of the fourth respondent does not fall in the location given in the advertisement namely Pavakkal Village, Uthangarai Taluk, Krishnagiri District. On the other hand, the land of the fourth respondent falls in Kariyaperumalvalasai Village, Uthangarai Taluk. Therefore, the letter of intent issued to the fourth respondent was contrary to the advertisement issued by the official respondents. Under similar circumstances, there is no merits in the contention of the official respondents in awarding of the letter of intent to the fourth respondent. Hence, it is liable to be interfered with. This writ petition therefore deserves to be allowed.



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WEB COPY 10. This writ petition stands allowed with the above observations. No

costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Internet : Yes/No

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To

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C.SARAVANAN, J.

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