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W.P.No.15747 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.12.2022

CORAM:

THE HON'BLE **MR.JUSTICE N.SATHISH KUMAR**

W.P.No.15747 of 2014
and M.P.No.1 of 2014

J.Ranjith

... Petitioner

Vs.

1.The Joint Secretary
The Ministry of Petroleum and Natural Gas
New Delhi

2.The Executive Director (LPG)
IOCL Bhavan, Bandra (East)
Mumbai 400 051

3.The Executive Director (LPG)
IOCL Bhavan
M.G.Road, Nungambakkam
Chennai 600 034

4.The Deputy General Manager (LPG) Sales
Indian Oil Corporation Ltd.,
139, M.G.Road, Nungambakkam
Chennai 600 034



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5.Indian Oil Corporation Ltd.,
Rep. by The Chief Area Manager
(Marketing Division)
No.8/1079, Avinasi Road
Coimbatore 641 018

6.The Chief Vigilance officer, (LPG)
IOCL Bhavan, Bandra (East)
Mumbai 400 051

7.M.Sathishkumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1-6 to take action against the 7th respondent for violating the terms and conditions in the selection of Indane Distributors June 2007 based on his representation dated 29.05.2014 and further direct the respondents 1-6 to follow the terms and guidelines as prescribed in the Indian Oil Corporation Ltd., Brochure for selection of Indane Distributors June 2007.

For Petitioner : Mr.M.Vijay Anand

For Respondents : Mr.J.Madhanagopal Rao
SPC for R1

Mr.Abdul Saleem for R2 to R6

Mr.N.Umapathy for R7



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ORDER

The Writ Petition is filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 6 to take action against the 7th respondent for violating the terms and conditions in the selection of Indane Distributors June 2007 based on his representation dated 29.05.2014 and further direct the respondents 1 - 6 to follow the terms and guidelines prescribed in the Indian Oil Corporation Ltd., Brochure for selection of Indane Distributors June 2007.

2.It is the case of the petitioner that the 5th respondent invited applications for awarding distributorship of Indane at Kaveripattinam, Krishnagiri Taluk and District. The said distributorship was awarded to the petitioner vide letter of Indent LOI ref:CBE/DSB/KaveriPattinam / 2010 dated 18.02.2010 and the petitioner also started his work of constructing godown at S.No.125/1E, Errahalli Villate, Krishnagiri Taluk and District. After the allotment of the site, it appears that the respondents have allotted the Indane dealership to the 7th respondent



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herein violating various conditions and only in order to facilitate allotment, the petitioner has given a representation dated 29.05.2014, pointing out various violations, but his grievance was not considered. Hence the present petition.

3.Learned counsel for the petitioner would submit that he has pointed out various violations in awarding the distributorship to the 7th respondent, thereby, the petitioner has given a representation dated 29.05.2014 to the respondents to take action against the 7th respondent and the same has not been considered.

4.Learned counsel for the respondents would submit that when the distributorship was awarded to the petitioner earlier, the petitioner has not come forward to put up construction of godown as required by the respondents, thereby the allotment awarded to the petitioner was cancelled. He added that the petitioner has also sought for an alternate site, which was also rejected by the 5th respondent. Challenging the same, the petitioner filed W.P.No.22320 of 2010 before this Court,



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however, the same was allowed on 22.01.2011, against which, the 5th respondent preferred a Writ Appeal in W.A.No.2220 of 2011 and a Division Bench has set aside the order and allowed the appeal on 27.06.2012. The petitioner also filed another Writ Petition for grant of permission to construct godown in the alternate site which was also dismissed by the Division Bench in W.A.No.1235 of 2014. Now, the dealership has been awarded to the 7th respondent, therefore, the petitioner has adopted a different method of giving representation. Hence opposed the writ petition.

5.This Court perused the entire materials. The main grievance of the petitioner is non allotment of the Indane distributorship to him. The same has already been challenged by him by way of preferring two writ petitions as referred above and when the same was ended in vain and the distributorship was awarded to the 7th respondent, the petitioner has filed the present writ petition in the name of Mandamus to direct the respondents to consider his representation. The allotment that was made to the 7th respondent has not been challenged. Therefore, once the matter



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has reached its finality, in the name of representation, the allotment cannot be reopened.

6. Therefore, this Court is of the view that the present writ petition is filed due to some personal grievance of not allotting the dealership to the petitioner. Merely on certain allegations about violations said to have happened while awarding the indane dealership, itself cannot be the ground to award contract to the petitioner, particularly, when the petitioner himself aggrieved over the non allotment, has challenged the same and sought for alternate site, which has been ended in vain. Therefore, this Court is not inclined to grant any direction to the respondents.

7. This Writ Petition stands dismissed accordingly. Consequently, the connected miscellaneous petition is closed. No costs.

01.12.2022

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Index : yes / no Internet : yes / no
Speaking / Non speaking



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N.SATHISH KUMAR, J.

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