



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P (MD)No.2845 of 2012

and

M.P (MD)Nos.1,2 and 3 of 2012

S.Prabakar

... Petitioner

Vs.

1.The Area Marketing Manager,
Tamil Nadu & Pondy,
Bharat Petroleum Corporation Ltd.,
No.1, Ranganathan Gardens,
11th Main Road, Anna Nagar,
Chennai.

2.The Territory Manager (Retail),
Bharat Petroleum Corporation Ltd.,
No.37, Thirupparamkundram Road,
Pasumalai,
Madurai.

3.The Selection Committee,
Bharat Petroleum Corporation Ltd.,
No.37, Thirupparamkundram Road,
Pasumalai,
Madurai.

4.The District Collector,
Ramnad District,
Ramnad.

5.Burozhan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent Committee awarding performance marks in the interview on 05.12.2011 in favour of the fifth respondent and quash the same and consequently direct the respondents to call for a fresh notification in so far as the Petroleum Retail Outlet in R.S.Mangalam Town.



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For Petitioner : Mr.A.Srinivasan
for V.Perumal
For Respondents : Mr.S.Natesa Raja
for R2
Mr.N.Muthu Vijayan
Special Government Pleader
for R4
Mr.M.Subash Babu
for R5
No appearance
for R1 and R3

ORDER

The writ petition has been filed challenging the selection of the fifth respondent for the dealership of Bharat Petroleum Corporation Limited at R.S.Mangalam. The main ground, on which the allotment of dealership with the fifth respondent is challenged, is on the non-compliance of the condition relating to the extent of land.

2. On an earlier occasion, when a notification was issued on 20.12.2010, the fifth respondent had made an application. However, his application was rejected on 28.10.2011 on the ground that he was not having the eligible extent of land that is required for Bharat Petroleum Corporation Limited dealership.

3. The learned counsel for the petitioner submits that the second notification was issued on 15.09.2011, the fifth respondent had applied for the same. However, Bharat Petroleum Corporation Limited has awarded 23.50 marks on 05.12.2011 and declared the fifth respondent as eligible for obtaining dealership.

4. On the other hand, the learned counsel for the second respondent has filed a counter pointing out that the first notification dated 20.12.2010 related to R.S.Mangalam Rural, for which the fifth respondent has offered a land in Survey No.158/4. Since the extent was not as per the eligibility criteria, the application for dealership of the fifth respondent was rejected. Thereafter, the second notification was issued on 15.09.2011 for R.S.Mangalam Town on State Highways. In this occasion, the fifth respondent has again applied, offering land in a different Survey No.93/5 admeasuring 65x100 feet. Since the area covered in the first notification and second notification are completely different and the land offered by the fifth respondent for these notifications were also completely different, the contention of the writ petitioner that he had awarded marks for the same land is not factually correct.

5. I have gone through the typedset of papers and the counter filed by the either side and I find that both the notifications are for a different locality and the land offered by the fifth respondent on both the occasions are completely different and hence,



this writ petition does not have any factual ground to stand. I find that nothing remains to be adjudicated in the writ petition. This Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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// True Copy //

Sd/-

Assistant Registrar (C.O)

/07/2022

Sub Assistant Registrar(CS)

To

The District Collector,
Ramnad District,
Ramnad.

+1 CC to M/s.SPL.GP (SR-26542[F] dated 17/06/2022)

+1 CC to M/s.V. PERUMAL, Advocate (SR-26669[F] dated 20/06/2022)

Order made in
W.P(MD)No.2845 of 2012
Dated:
16.06.2022

SS/01/07/2022/ 3P 4C