



W.P.(MD)No.2075 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.2075 of 2021

and

W.M.P(MD)Nos.1745, 1746 & 1749 of 2021

Mr.Vijayaprabu Poongavanam

... Petitioner

Vs

- 1.The General Manager,
Marketing Division HO
Indian Oil Corporation Ltd.,
No.139, Nungambakkam High Road,
Chennai-600 034.
- 2.The Divisional General Manager RS
Indian Oil Corporation Ltd.,
Trichy Divisional Office,
Triveni, 3rd Floor,
No.B-35, Shastri Road,
Thillai Nagar,
Trichy-620 018.
- 3.The Tahsildar,
Peravurani Taluk,
Thanjavur District.
- 4.The Executive Officer,
Peravurani Selection Grade Town Panchayat,
Peravurani,
Thanjavur District.

...Respondents



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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 in pursuant to the impugned letter dated 24.11.2020 in Ref. 15455481255681 issued by the second respondent and quash the same and directing the respondents 1 and 2 to issue further work order to the petitioner to establish of Indian Oil Corporation Retail Outlet in Survey No.131/1 of Sithathikadu, within the Peravurani-II bit Revenue Jurisdiction of Peravurani Selection Grade Town Panchayat, Thanjavur District.

For Petitioner	: Mr.Selvaraj for Mr.M.Karthikeyavenkitachalapathy
For R1 & R2	: Mr.K.Muralidharan Standing Counsel
For R3	: Mr.D.Gandhiraj Special Government Pleader
For R4	: Mr.M.Rajarajan

ORDER

The petitioner has prayed for issuance of a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned letter, dated 24.11.2020 in Ref.15455481255681 issued by the second respondent and quash the same and directing the respondents 1 and 2 to issue further work order to the petitioner to establish of Indian Oil Corporation Retail Outlet in Survey No. 131/1 of Sithathikadu, within the Peravurani-II bit Revenue Jurisdiction of Peravurani Selection Grade Town Panchayat, Thanjavur District.



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2. Heard learned counsel appearing on either side and perused the materials available on record.

3. The learned counsel appearing for the petitioner would submit that the respondents 1 and 2 invited applications through online from the interested persons to establish Petroleum Products Retail Outlet all over the Tamil Nadu. The petitioner is the diploma holder and at present he is doing petty business. On seeing an advertisement in local newspaper, the petitioner approached the respondents for getting dealership. On his request, the respondents had given an application bearing reference No.1445548125681, dated 23.12.2018. He applied for dealership for the Peravurani limit, Thanjavur District and the application bearing Sl No.1524 was submitted by him with a sum of Rs.3,000/- together with the necessary documents as per the instruction given in the application. In the draw of lot conducted at the office of the second respondent in Trichy on 07.11.2019, the petitioner was declared as selected and immediately, he was directed to deposit a sum of Rs.30,000/- towards initial Security Deposit to confirm the selection. He has paid the same immediately. After the confirmation of his selection in the lot, he rushed to the proposed retail outlet point offered by him in Survey No.131/1 to an extent of 0.23.0 ares



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in Sithathikadu, Peravurani-II Bit revenue limit and made all arrangements, like

developing the land for the establishment of petroleum products Retail Outlet

as per the guidelines issued by the respondents and spent few lakhs for the

same. On 20.08.2020 at about 7.30 p.m., an officer from the Respondents

company visited the land and inspected the physical features of the land

offered by him to establish the petrol bulk and inspected the documents

produced by him relating to the land. The officer of the respondents company

directed the petitioner to produce a certificate from the Tahsildar of Peravurani

Taluk in respect of the location of the land and he produced the certificate to

that effect. The said officer has stated that the certificate produced by him was

a false one and hence, he is going to recommend to cancel his selection. Hence,

the petitioner apprehend that the respondents 1 and 2 are trying to allot the

particular place to some other persons, who are not selected in the draw of lot.

Therefore, the petitioner sent a representation dated 27.08.2020 to the

respondent 1 and 2 and other higher officials of the Indian Oil Corporation

narrating all the facts and circumstances, but the respondents have not passed

any orders on the application. Hence, the petitioner filed a writ petition in

W.P(MD)No.12183 of 2020 before this Court. This Court by order dated

21.09.2020 directed the respondents to consider the petitioner's representation

dated 27.08.2020 and dispose it of on merits and in accordance with law. The



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second respondent will off course take into account the documents put forth by the petitioner herein before passing final order. Till final orders are passed by the second respondent on the petitioner's representation, the petitioner's site will not be treated as cancelled. The second respondent without considering the fact that the land offered by him in Survey No.131/1 situated in Peravurani to Aranthangi main road and within the limits of Peravurani Selection Grade Panchayat area, mistakenly declared that the petitioner's candidature was found ineligible by way of the impugned letter dated 24.11.2020 in Ref: 15455481255681. The act of the second respondent, who issued the impugned letter declaring his candidature as ineligible is against the factual position. Challenging the above said impugned order, the petitioner has filed the present writ petition.

4. Though the petitioner has come forward with a larger prayer, at the time of hearing, the learned counsel for the petitioner would submit that if a direction is given to the second respondent to consider the case of the petitioner, the petitioner would be satisfied.

5. In view of the limited prayer that has now been sought for by the petitioner, this writ petition is disposed of with a direction to the second



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respondent once again look into the petitioner's application and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

30.11.2022

Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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