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W.P.No.2557 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2023

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THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

Writ Petition No.2557 of 2021

and

Writ Miscellaneous Petition No.2899 of 2021

and

Writ Miscellaneous Petition No.30996 of 2022

Murugannan Janarthanam

... Petitioner

Versus

1. Indian Oil Corporation Limited,
Rep by its Chief Executive Officer,
Indian Oil Bhawan,
G-9, All Yavar Jung Marg,
Bandra (East)
Mumbai-400 051.
2. The General Manager,
The Indian Oil Corporation Ltd.,
(Regional Office) Chennai,
Indian Oil Bhavan, Nungambakkam,
Chennai – 600 034.
3. The Divisional Manager,
Indian Oil Corporation Ltd.,
Chennai Divisional Office,
500, Anna Salai, Teynampet,
Chennai – 600 018.
4. Sankar Annamalai
(R4 impleaded vide order dated 22.08.2022
made in WMP No.16540/022)

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent vide his letter in Ref.SRMP 18/380/LOI Cancellation dated 06.01.2021 and quash the same as illegal and consequently, to direct the 2nd respondent to process forthwith the petitioner's application No.15457158064365 dated 25.12.2018 for award of Petroleum Retail Outlet Dealership at Vandavasi-Mambattu (on SH-115) Tiruvannamalai District.

For Petitioner : Mr. K. P. S. Palanivel Rajan

For R1 to R3 : Mr. V. Anantha Natarajan, (IOCL)

For R5 : Mr. J. Muthukumaran

ORDER

The Writ Petition has been filed by Murugannan Janarthanan, in the nature of a Writ of Certiorarified Mandamus, seeking records relating to the impugned order of the 2nd respondent, the General Manager, Indian Oil Corporation Limited at Nungambakkam in Chennai, in Letter No.Ref.SRMP18/380/LOI, dated 06.01.2021 whereby, the 2nd respondent had cancelled the letter of indent given to the petitioner herein and to further process the application of the petitioner bearing



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No.15457158064365, dated 25.12.2018, for grant of Petroleum Retail Outlet Dealership at Vandavasi – Mampattu SH 115, Tiruvannamalai District.

2. The petitioner had applied for dealership of the aforementioned Petroleum Retail Outlet at Vandavasi – Mampattu SH 115. He was declared as a successful candidate after process of selection by the 2nd respondent herein. Thereafter there was an obligations on the petitioner to produce relevant documents.

3. The petitioner claims that he had produced the relevant documents. However, on perusal of the documents, raising various issues, the 2nd respondent by the impugned order dated 06.01.2020, had cancelled the letter of indent given to the petitioner herein.

4. This had given necessity to file the present Writ Petition.

5. The next candidate who would be then automatically selected would be Sankar Annamalai, who had filed W.M.P.No.30996/2022.



6. Necessity for filing such miscellaneous application, was owing to the fact that earlier the Writ Petitioner had the benefit of an interim Stay. Owing to that grant of stay, the 2nd respondent had not moved forward to grant the letter of indent in favour of the petitioner in W.M.P.No.30996/2022.

7. A perusal of the impugned order shows that the 2nd respondent had practically entered into a discussion on the documents which had been presented by the petitioner herein. He examined the Schedule of properties in the Lease Deed, dated 24.12.2018 and thereafter, examined the Rectification Deed, which was registered on 25.11.2019, with respect to the Clauses in the original Lease Deed, dated 24.12.2018 and also examine further in the Rectification deed, dated 28.09.2020, for correcting the Schedule of the original Lease Deed.

8. Thereafter, a further discussion was entered into by the 2nd respondent. It was found that the rectification of the mistakes as pointed out in the Rectification Deed referred to lands in three different survey numbers and they were not continuous 30 metre X 30 metre plot and therefore, not satisfied with the nature of documents presented and



naturally over the lands for which documents are represented, the letter of indent was cancelled.

9. Quite fairly it is admitted by the learned counsel for the 2nd respondent, and I must place my due appreciation for the candid statement that opportunity of personal hearing was not afforded to the petitioner herein before the documents submitted by the petitioner were examined by the 2nd respondent. Interpretation of documents could be done on a reading of the said Rectification Deed. But the purport behind the said Rectification Deed can be explained only by the petitioner herein.

10. It would have been appropriate had the 2nd respondent issued notice to the petitioner herein, and taken his views and thereafter, enter into a discussion about the suitability of the lands afforded. Since that particular step had not been initiated, it only results in the finding that the 2nd respondent should revisit the said order and reexamine the documents submitted by the petitioner. When he does so, I am confident that notice would be issued to the petitioner and the petitioner would be heard and thereafter, a considered order would be passed.



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11. This whole exercise has put the petitioner in W.M.P.No.30996/2022 who is next in mind for grant of letter of intent in a quandary. He neither has the benefit of cancellation of the letter of indent nor has he been considered as a prospective candidate in view of the order of stay granted earlier by this Court.

12. It would only be appropriate to hold that while orders are passed by the 3rd respondent, after giving opportunity to the petitioner herein that if they take a decision, to accept the documents, then, the matter should end.

13. If they take a decision that they are not satisfied with the lands provided by the petitioner, then, in that very order itself, they must move on to provide an opportunity to the petitioner in W.M.P.No.30996/2022 to present his credentials and examine those documents. To that extent, they should also invite the petitioner in W.M.P.No.30996/2020 and examine the relevant documents of that particular petitioner.



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14. The examination of documents of the Writ Petitioner should be done only by the 2nd- 3rd respondents with the petitioner alone. If satisfaction is not arrived, then, simultaneously, they can proceed further with the petitioner in W.M.P.No.30996/2022, Sankar Annmalai.

15. The entire exercise by the 2nd – 3rd respondents should be completed on or before 31.03.2023. At every stage, the presence of the petitioners must be insisted upon whenever their presence is relevant and required.

16. The Writ Petition stands disposed of. No order as to costs. Consequently, the connected miscellaneous petitions stands closed.

06.02.2023

ssi

Index : Yes/No

Internet : Yes/No



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C. V. KARTHIKEYAN, J.
ssi

W.P.No.2557 of 2021
and
W.M.P.Nos.2899 of 2021 and 30996 of 2022

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