



W.P.No.5686 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.5686 of 2020
and
W.M.P.No.6625 of 2020**

Abdul Basith

... Petitioner

Vs.

1. The Bharath Petroleum Corporation Limited,
Trichy Retail Territory,
Represented by its Territory Manager (Retail),
1st Floor, Raj Towers, Near Kalaingar Arivalayam,
Karur Bye Pass Road,
Trichy – 620 002.

2. Ravichandran

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Declaration, declaring that the action of the first respondent in selection the second respondent as Dealer for Retail Outlet (Petrol Pump) for the location - “Karaikal Eastern Bypass” at Karaikal as arbitrary and illegal as being contrary to the notification dated 25.11.2018 and consequently, to direct the first respondent to redo the



W.P.No.5686 of 2020

selection of dealers for regular and rural retail outlet (Petrol Pump) in respect of the above location and to permit the petitioner to participate in selection and to consider the candidature of the petitioner in accordance with law on merits.

For Petitioner : Mr.T.Sai Krishnan
For Respondents : Mr.M.Vijayan for R1
for King and Patridge

O R D E R

This Writ Petition has been filed for a declaration that the action of the first respondent in selecting the second respondent as Dealer for Retail Outlet (Petrol Pump) for the location - “Karaikal Eastern Bypass” at Karaikal as arbitrary and illegal as being contrary to the notification dated 25.11.2018 and consequently, to direct the first respondent to redo the selection of dealers for regular and rural Retail Outlet (Petrol Pump) in respect of the above location and to permit the petitioner to participate in selection and to consider his candidature in accordance with law on merits.



W.P.No.5686 of 2020

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2. The case of the petitioner is that the first respondent vide advertisement dated 25.11.2018 called for applications for Retail Outlet Dealers at various locations including ten locations pertains to Karaikal Region. The location identified by the petitioner at “Karaikal Bypass” was not identified in the advertisement and as such, he did not apply for the same. While being so, the first respondent surveyed the lands situated opposite to Karaikal Stadium, which is about 500 meters away from the lands identified by the petitioner at “Karaikal Bypass Road” and on enquiry, he was put to understand that the second respondent had applied by offering the lands at “Karaikal Bypass” for the Retail Outlet Dealership for the location - “Karaikal Eastern Bypass” which is identified as Location Sl.No.30. Even though the lands offered by the second respondent are not within the advertised location / area, i.e., Karaikal Eastern Bypass, the first respondent had chosen to declare the second respondent as Dealer for the said location. In the said circumstances, by invoking the Grievance Redressal System, he preferred a complaint dated 13.02.2019. However, by letter dated 20.03.2019, the first respondent had refused to take up the



W.P.No.5686 of 2020

complaint by stating that any complaint received after thirty days of declaration of results would not be entertained. Hence, the petitioner has filed the present Writ Petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that the second respondent's location is situated just adjacent to the petitioner's location, however the said land is not located in “Karaikal Eastern Bypass” and it is located only in “Karaikal Bypass”. Hence, the selection of the second respondent is contrary to the advertisement dated 25.11.2018. Further, the petitioner made complaint as against the selection of the second respondent as Dealer on 13.02.2019 and the same has been rejected on the ground that the petitioner's complaint is beyond thirty days from the date of declaration of the result and the same is contrary to Clause xii of the General Conditions pertaining to Advertisement, which is not sustainable one. Accordingly, he prayed for allowing the Writ Petition.



W.P.No.5686 of 2020

WEB COPY

4. Heard the learned counsel for the petitioner and the learned counsel for the first respondent and perused the materials placed before this Court.

5. The facts in the present case are not in dispute. Admittedly, the petitioner has not participated in the selection of Retail Outlet Dealership as per the advertisement dated 25.11.2018. The grievance of the petitioner is that the petitioner's site and the second respondent's land is situated in the same place within the distance of 500 meters situated in “Karaikal Bypass” and not in “Karaikal Eastern Bypass” and on the sole ground, the present Writ Petition has been filed.

6. However, the fact remains that when the petitioner has not participated in the selection of Retail Outlet Dealership as per the advertisement dated 25.11.2018, he does not have a right to question the selection of the second respondent. If the petitioner has participated in the selection process and his application was rejected on the ground that the



W.P.No.5686 of 2020

petitioner's land is not situated in the “Karaikal Eastern Bypass” only then, he is said to have a grievance to challenge the selection of the second respondent. When the petitioner himself has not participated in the selection process, questioning the selection of the second respondent is unsustainable and as per Clause xii of the General Conditions pertaining to Advertisement, the complaint has to be sent within thirty days from the date of declaration of the result. Admittedly, the petitioner preferred complaint was only on 13.02.2019, which is beyond the period of thirty days from the date of declaration of the result. Hence, the prayer sought in the Writ Petition cannot be granted.

7. Accordingly, this Writ Petition is dismissed in the above terms.

No costs. Consequently, connected Miscellaneous Petition is closed.

08.06.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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Page 6 of 8



W.P.No.5686 of 2020

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To

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